

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED

DEC 11 2003

Michael N. Milby, Clerk

UNITED STATES OF AMERICA	:	
	:	
Plaintiff,	:	CRIMINAL NO. H-03-3629
	:	
vs.	:	18 U.S.C. § 1962(c)
	:	(Racketeering)
CHARLES LEONARD LITTLE (1)	:	18 U.S.C. § 1962(d)
a/k/a CHARLIE LITTLE	:	(RICO Conspiracy)
BYRON ALFRED BOYD, JR. (2) and	:	18 U.S.C. § 1341, 1346
JOHN RUSSELL ROOKARD (4)	:	(Mail fraud)
	:	18 U.S.C. § 1952
	:	(Interstate Travel in Aid of
Defendants.	:	Racketeering)
	:	29 U.S.C. §501(c)
	:	(Embezzlement)
	:	18 U.S.C. § 1512
	:	(Witness Tampering)

SUPERSEDING INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times material to this Indictment:

A. The United Transportation Union

1. The United Transportation Union ("the UTU") is an international labor organization with over 125,000 members consisting of railroad, bus, airline, and mass transit employees and retirees.

2. The UTU represents members in collective bargaining with common carriers by railroads throughout the United States and Canada with respect to wages, hours, grievances, and other terms and conditions of employment. Pursuant to that representation,

the UTU has executed collective bargaining agreements with common carriers by railroads with jurisdiction covering work performed in several states and Canadian provinces.

3. The UTU is governed by a constitution adopted at a convention of its delegates held every four years ("the UTU Constitution"). The most recent version of the UTU Constitution was adopted at the UTU Convention in Anaheim, California in August 2003.

4. Article 2 of the UTU Constitution provides for several elective offices to be chosen by vote of the delegates to the UTU convention including International President, Assistant President, General Secretary and Treasurer, legislative directors, and 23 vice-presidents.

5. Defendant CHARLES LEONARD LITTLE (hereinafter CHARLIE LITTLE) was elected International President of the UTU at its 1995 convention in Chicago and served his entire four-year term. CHARLIE LITTLE was reelected International President of the UTU at its 1999 convention in Miami and served until, on or about, February 6, 2001, when he resigned that office. CHARLIE LITTLE currently serves as President Emeritus of the UTU under Article 2(E) of the UTU Constitution.

6. Defendant BYRON ALFRED BOYD, JR. (hereinafter BYRON BOYD) was elected Assistant President of the UTU at its 1995 convention in Chicago and served his entire four-year term.

BYRON BOYD was reelected Assistant President of the UTU at its 1999 convention in Miami and served until CHARLIE LITTLE's resignation in February 2001, whereupon BYRON BOYD assumed office of International President by operation of Article 17 of the UTU Constitution. BYRON BOYD was elected International President of the UTU at its 2003 convention in Anaheim, and currently serves in that position.

7. At all times material, Defendant JOHN RUSSELL ROOKARD (hereinafter JOHN ROOKARD) held employment positions with the UTU, including field supervisor for the UTUIA, special representative, project coordinator, and more recently, assistant to the International President.

B. Duties Upon Defendants

8. The UTU qualifies as a "labor organization" under the Labor Management Reporting and Disclosure Act, Title 29, United States Code, Section 402(i), and is subject to the various provisions of the Labor Management Reporting and Disclosure Act governing "labor organizations."

9. Pursuant to the Labor Management Reporting and Disclosure Act, Title 29, United States Code, Section 501(a), "officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group." As officers, agents, and/or representatives of the UTU, Defendants CHARLIE LITTLE,

BYRON BOYD, and JOHN ROOKARD were subject to Section 501(a) of the Labor Management Reporting and Disclosure Act, Title 29, United States Code. In such capacities, Defendants occupied positions of trust in relation to the UTU and its members as a group, and were subject to several fiduciary duties pursuant to section 501(a) including: 1) the duty to refrain from dealing with the UTU as an adverse party or on behalf of an adverse party in any matter connected with their duties; 2) the duty to refrain from holding or acquiring any pecuniary or personal interest which conflicts with the interests of the UTU; and 3) the duty to account to the UTU for any profit received by them in whatever capacity in connection with transactions conducted by them or under their direction on behalf of such organization.

10. Pursuant to the Labor Management Reporting and Disclosure Act, Title 29, United States Code, Section 481(g), "[N]o moneys of an employer shall be contributed or applied to promote the candidacy of any person in any election subject to the provisions of this subchapter." At all times material, the elections of officers within the UTU, as a "labor organization," were subject to Section 481(g).

11. Pursuant to the Labor Management Reporting and Disclosure Act, Title 29, United States Code, Section 432(a)(4),

"Every officer of a labor organization and every employee of a labor organization (other than an employee performing exclusively clerical or custodial services) shall file with the Secretary of Labor a signed report listing and

describing for his preceding fiscal year . . . any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, a business any part of which consists of buying from, or selling or leasing directly or indirectly to, or otherwise dealing with such labor organization."

Defendants CHARLIE LITTLE and BYRON BOYD, as officers and employees of the UTU not performing exclusively clerical or custodial duties, and JOHN ROOKARD, as an employee of the UTU not performing exclusively clerical or custodial duties, were subject to the reporting requirements within Section 432(a)(4).

12. As members of the UTU, Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD were subject to the UTU Constitution, including the following provisions:

1. ARTICLE 16 INTERNATIONAL PRESIDENT:

The International President shall be the executive head of the United Transportation Union, exercise general supervision over its affairs and interests including all subordinate bodies and shall preside at all sessions of International conventions. The International President may employ sufficient personnel and such other assistance as necessary to properly conduct the business and affairs of the United Transportation Union. The International President shall interpret all laws of the organization, decide all questions arising therefrom, and decide all other controversies not provided for under existing laws of the organization, subject to appeal to the Board of Directors--all in conformity with this Constitution. Subject to Article 17, the International President shall perform all duties and responsibilities assigned under the Constitution and such other duties and responsibilities as may be necessary for the proper conduct of the affairs of the organization and the accomplishment of its objectives.

C. Federal Employers Liability Act (FELA)

13. Railroading was, and remains, one of the most dangerous occupations in the United States, and rail employees suffer among

the highest injury and death rates of any industrial workers. The dangers of railroading were compounded by the perilous obstacles rail workers faced in seeking compensation for their injuries. The financial and legal dominance of railroad corporations and the transient nature of rail employment combined to frustrate attempts to obtain adequate legal compensation for injured rail workers from state courts or fledgling workmens' compensation systems.

14. In 1908, Congress enacted the Federal Employers Liability Act (FELA) (45 U.S.C. § 51-60) to address those inequities. The FELA statute contained important reforms including: 1) that exclusive jurisdiction for injuries suffered during railroading would rest in federal courts; 2) that injured rail employees or their survivors may recover damages from the common carrier; and 3) that unlike state workmens' compensation programs, no restrictions are placed upon the types of damages that may be recovered by employees covered by FELA and no monetary limits upon the size of recoveries.

15. Even after the passage of FELA, injured rail workers faced the formidable problem of obtaining representation by experienced and honest trial attorneys who were well-versed both in the FELA statute and the intricacies of railroading. Injured workers or their families were often victimized by rail officials and claims adjusters seeking to obtain a quick settlement and

incompetent or inexperienced lawyers eager to settle a case prematurely.

16. In response, labor unions representing workers in the respective railroad trades established legal aid departments staffed by attorneys who would directly represent members or initiated programs to identify honest and competent FELA attorneys in the private bar for their members' benefit. The conduct of those programs remains a critical representative function, unique to railroad unions, whose legality is well recognized.

D. The Designated Legal Counsel Program of the UTU

17. The UTU's members who are employed by common carriers by railroad are covered by FELA. For several decades, the UTU and its precursor organizations have conducted a program called the "Designated Legal Counsel" (DLC) program, designed to facilitate the reference and retention of experienced FELA attorneys by its injured members. Under this program, attorneys from different regions of the United States are appointed or "designated" as designated legal counsel of the UTU ("DLC Attorney").

18. Unlike other attorneys, DLC Attorneys are permitted to become honorary, dues-paying members of the UTU, which in turn allows them to attend local, regional, and national meetings of the UTU. The ability to attend UTU meetings, which are closed to

non-members and other attorneys, provides DLC Attorneys with valuable access to UTU members as potential clients, and local UTU officials as sources of information and referrals concerning accidents and injured workers.

19. Injured members of the UTU are not obligated to retain DLC Attorneys to handle their injury claims. However, the UTU strongly recommends that injured members retain DLC Attorneys and represents that the DLC Attorneys are the best suited attorneys to handle their claims. In addition, the UTU clearly represents that the DLC Attorneys are answerable, not only to their clients, but to the UTU itself and that they have pledged to follow and must adhere to "Rules of Conduct." The official UTU website at www.utu.org describes the DLC program to the UTU membership as follows:

[T]he United Transportation Union has chosen experienced and successful trial lawyers as its **Designated Legal Counsel**, and recommends these lawyers to its members and their families.

These lawyers are specialists in handling FELA claims and are fully experienced in dealing with the trained railroad claim agents and railroad lawyers. And they are very familiar with the railroad industry. You should seek their counsel and advice at the earliest opportunity if you feel you have a potential **FELA** case against a railroad. Always remember that the railroad claim agent is just that--an agent for the railroad. A UTU Designated Legal Counsel is YOUR agent, and their job is to represent you. And remember, a non-designated lawyer does not have any obligation to your union and is not answerable to the United Transportation Union.

The UTU publishes a pamphlet titled "How to Protect Your Rights When Injured on the Job, What Every Railroad Worker Should Know," which is distributed to all rail members. That pamphlet recommends that injured members contact UTU Designated Legal Counsel when they suffer injuries and states:

The UTU feels that injured railroad workers who are represented by Designated Legal Counsel stand a much better chance of receiving more money for themselves and their families than those workers not represented by them.

Remember, a non-designated lawyer does not have any obligation to your union and is not answerable to the union.

20. The number of FELA attorneys designated as DLC Attorneys by the UTU has ranged from approximately 25 to just over 50. The small number of DLC Attorneys relative to the large number of rail workers represented by the UTU, the access to the membership afforded DLC Attorneys, and the aggressive promotion of DLC Attorneys by the UTU all combine to make appointment as a DLC Attorney a competitive and lucrative professional designation, even for attorneys with established FELA practices.

21. Attorneys who are not designated but represent injured workers under the FELA statute may develop lucrative legal practices due to unlimited monetary awards available to injured rail workers. However, the likelihood of developing a lucrative legal practice rises substantially when a law firm specializing in FELA representation has one of its attorneys appointed as a DLC Attorney for the UTU. As a result, an established attorney

with experience representing injured rail workers may continually aspire to become a DLC Attorney of the UTU, often without success.

E. Appointment of Designated Legal Counsel of the UTU

22. The International President of the UTU exercises sole and unilateral control over the DLC program of the UTU, pursuant to his powers under Article 16 of the UTU Constitution. Thus, the International President of the UTU unilaterally decides the criteria for designation as a DLC Attorney; unilaterally appoints which attorneys will serve as DLC Attorneys; unilaterally prescribes "Rules of Conduct" for DLC Attorneys; and unilaterally takes away the designation as a DLC Attorney, without recourse by the attorney, other UTU officers or employees, or the UTU membership.

23. The International President's unilateral control over which attorneys will be appointed and retained as DLC Attorneys of the UTU, coupled with the financial value of that appointment to attorneys, confers upon the International President the power to generate significant revenue for attorneys seeking the appointment. The International President's unilateral control over appointment of DLC Attorneys confers the power to deny significant future revenue to those attorneys currently serving as DLC Attorneys.

24. The International President is vested by Article 16 of the UTU Constitution with the extraordinary authority to grant appointments as DLC Attorneys often worth millions of dollars to the attorneys selected and, by exercise of that power, to effectively determine which attorneys will represent thousands of seriously injured UTU members attempting to gain compensation for their injuries.

25. Pursuant to their authority under Article 16 of the UTU Constitution, CHARLIE LITTLE and BYRON BOYD selected attorneys to be DLC for the UTU. Also pursuant to that authority, CHARLIE LITTLE and BYRON BOYD each promulgated "Rules of Conduct" to which DLC Attorneys must adhere, including a rule prohibiting DLC Attorneys from becoming involved in UTU politics at any level.

COUNT ONE

(Racketeering - 18 U.S.C. § 1962(c))

1. The General Allegations numbered one (1) through (25) inclusively are realleged and expressly incorporated herein.

A. The Enterprise

2. There existed in the Southern District of Texas and elsewhere, an "Enterprise" as that term is defined in Title 18, United States Code, Section 1961(4); namely, a labor union and a group of individuals associated in fact. The Enterprise consisted of a labor union known as the UTU, with principal offices located at 14600 Detroit Avenue, Cleveland, Ohio, and

Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, and others, known and unknown to the Grand Jury, who were associated in fact and will be hereafter referred to as the "UTU Enterprise." At all times relevant to this Indictment, the UTU Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. The UTU Enterprise was engaged in, and its activities affected, interstate commerce.

B. Purposes of Defendants

3. The purposes of the Defendants included the following:

- a. Enriching Defendants and others through, among other things, mail fraud, wire fraud, embezzlement, and commercial bribery.
- b. Preserving and protecting the power and profits of Defendants and others through the use of mail and wire fraud, embezzlement, and commercial bribery.

C. Roles of Defendants

4. Defendants participated in the operation and management of the UTU Enterprise.

5. At all times relevant to this Indictment, Defendant CHARLIE LITTLE was a leader of the UTU Enterprise who directed and supervised other members of the enterprise in carrying out unlawful and other activities in furtherance of the conduct of the enterprise's affairs. CHARLIE LITTLE was an officer and member of the UTU and held several elected offices within the UTU, including General Secretary and Treasurer, International

President, International Board of Directors member, Board of Trustees member, and International President Emeritus.

6. At all times relevant to this Indictment, Defendant BYRON BOYD was a leader of the UTU Enterprise who directed and supervised other members of the enterprise in carrying out unlawful and other activities in furtherance of the conduct of the enterprise's affairs. BYRON BOYD was an officer and member of the UTU and held several elected offices within the UTU, including Assistant President, International President, International Board of Directors member, and Board of Trustees member.

7. At all times relevant to this Indictment, under the leadership and direction of CHARLIE LITTLE and BYRON BOYD, Defendant JOHN ROOKARD participated in unlawful and other activities in furtherance of the conduct of the enterprise's affairs. JOHN ROOKARD held several employment positions within the UTU, including special representative, project coordinator, and assistant to the president and was used to solicit and collect cash payments.

8. Defendants as a group were willing to engage in, among other things, acts of fraud, bribery, embezzlement, and interstate travel in aid of racketeering, relating to the conduct of the DLC program of the UTU.

D. The Racketeering Violation

9. Beginning in or about June 1994 and continuing to July 2003, both dates being approximate and inclusive, within the

Southern District of Texas and elsewhere, Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD together with others, being persons employed by and associated with the UTU Enterprise, which enterprise engaged in, and the activities of which affected, interstate commerce, knowingly and intentionally conducted and participated, directly and indirectly, in the conduct of the affairs of the UTU Enterprise through a pattern of racketeering activity.

E. The Pattern of Racketeering Activity

10. The General allegations numbered one (1) through (25) inclusively are realleged and expressly incorporated herein.

11. The pattern of racketeering activity as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), through which Defendants conducted the affairs of the enterprise, consisted of Racketeering Acts 1 through 37, as set forth below.

1. Honest Service Fraud Scheme

12. Beginning in or about June 1994 and continuing to July 2003, both dates being approximate and the exact dates being unknown to the Grand Jury, in the Southern District of Texas and elsewhere, Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other persons both known and unknown to the Grand Jury, did unlawfully, and knowingly devise and intend to devise a scheme and artifice to defraud the UTU and its members.

13. The scheme and artifice to defraud by Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD was intended to deprive the UTU and its members of their intangible right to the

Defendants' honest services, including the honest services Defendants owed to the UTU and its members pursuant to Sections 501(a), 481(g), and 432(a)(4) of the Labor Management Reporting and Disclosure Act, and pursuant to Article 16 of the UTU Constitution.

2. Manner and Means of the Scheme and Artifice to Defraud

14. It was part of said scheme and artifice that Defendants issue interpretations of the UTU Constitution that the International President had the exclusive power to appoint designated legal counsel of the UTU, by criteria of his own choosing, and could unilaterally remove attorneys as designated legal counsel for any reason.

15. It was part of said scheme and artifice that CHARLIE LITTLE would ask for the resignation of all incumbent DLC Attorneys upon taking the office of the International President of the UTU, in order to emphasize to those attorneys that they were answerable to CHARLIE LITTLE for their designation.

16. It was part of said scheme and artifice that Defendants affirmatively represented to the UTU membership that CHARLIE LITTLE and BYRON BOYD selected DLC Attorneys based upon the attorneys' professional acumen and experience, their honesty, and their fidelity to the UTU and its membership, when, in fact, DLC Attorneys were not chosen solely upon those grounds.

17. It was part of said scheme and artifice that Defendants affirmatively represented that the DLC Attorneys were answerable to the UTU and its membership when, in fact, DLC Attorneys were

answerable only to CHARLIE LITTLE and BYRON BOYD personally.

18. It was part of said scheme and artifice that CHARLIE LITTLE and BYRON BOYD devised and promulgated various "Rules of Conduct" to which the DLC Attorneys were directed to adhere when, in fact, Defendants took no action to sanction DLC Attorneys who violated the "Rules of Conduct" and often caused or solicited DLC Attorneys to violate the "Rules of Conduct."

19. It was part of said scheme and artifice that Defendants affirmatively represented to the UTU membership that the DLC Attorneys were not involved in UTU politics, elections, or internal affairs when, in fact, Defendants knew the DLC Attorneys were so involved, and often caused or solicited DLC Attorneys' involvement by demanding thousands of dollars in secret cash contributions for their campaigns.

20. It was part of said scheme and artifice that Defendants solicited and received secret cash payments from private attorneys seeking to become designated legal counsel of the UTU.

21. It was part of said scheme and artifice that Defendants solicited and received secret cash payments from DLC Attorneys seeking to remain designated legal counsel of the UTU.

22. It was part of said scheme and artifice that Defendant JOHN ROOKARD solicited and received employment as an investigator from DLC Attorneys when JOHN ROOKARD did not intend to perform, and in fact did not perform, any services in exchange for his compensation.

23. It was part of said scheme and artifice that Defendants and other conspirators would solicit and obtain unlawful campaign contributions to CHARLIE LITTLE and BYRON BOYD in order to establish, maintain, and further their influence over the leadership of the UTU, so that members of the conspiracy would continue to profit from their illegal activities.

24. It was part of said scheme and artifice that Defendants would cause DLC Attorneys to attend various UTU meetings, in part to facilitate the solicitation and collection of secret cash payments for Defendants from the DLC Attorneys.

25. It was part of said scheme and artifice that JOHN ROOKARD and others would travel around the country at UTU expense to solicit and collect secret cash payments for Defendants from the DLC Attorneys.

26. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would request payments from DLC Attorneys to cover alleged UTU expenses, when in fact the money solicited was intended for Defendants' election campaigns and personal use.

27. It was part of said scheme and artifice that CHARLIE LITTLE and BYRON BOYD would summon DLC Attorneys to meet with them, in part to solicit and collect secret cash payments for Defendants from the DLC Attorneys.

28. It was part of said scheme and artifice that Defendants requested that secret payments from the DLC Attorneys be made in cash in order to leave no paper trail of the transactions and to

avoid detection of those secret payments and other things of value by the membership of the UTU and federal and state authorities.

29. It was part of said scheme and artifice that Defendants met with DLC Attorneys alone in hotel rooms, bars, restaurants, airports, when soliciting or receiving secret cash payments in order to avoid the detection of the UTU membership and federal and state authorities.

30. It was part of said scheme and artifice that Defendants would provide cash paid by DLC attorneys to high-level UTU officials and employees who would then write checks to CHARLIE LITTLE's election campaign in order to avoid the detection of the UTU membership and federal and state authorities.

31. It was part of said scheme and artifice that Defendants failed to file LM-30 reports annually with the United States Department of Labor to reflect the secret cash payments from DLC Attorneys as "any income or any other benefit with monetary value (including reimbursed expenses)" received from a business dealing with the UTU, as they were required to do by Labor Management Reporting and Disclosure Act, Section 432(a)(4).

32. It was part of said scheme and artifice that Defendants failed to file such LM-30 reports, or to otherwise account to the membership of the UTU for such payments, in order to avoid detection of the payments from the DLC Attorneys by the membership of the UTU and federal and state authorities.

RACKETEERING ACT ONE (ATTORNEY NUMBER One)

33. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act One.

34. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
1-A	Letter dated 1/11/96	Charles Little, UTU Head-quarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER One]	Appointing ATTORNEY NUMBER One designated legal counsel of the UTU
1-B	Letter dated 1/15/96	Charles Little, UTU Head-quarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER One, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER One, have agreed to observe

1-C	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER One, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER One, have agreed to observe
1-D	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER One, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT TWO (ATTORNEY NUMBER TWO)

35. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Two.

36. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeerin g Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
2-A	Letter dated 3/19/99	Charles Little, UTU Head-quarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Two, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Two, have agreed to observe
2-B	Letter dated 8/7/01	Byron Boyd, UTU Head-quarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Two, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2..

Racketeering Act 2-C

37. On or between February 28, and March 2, 1999, in the States of Alabama and Arizona and elsewhere, CHARLIE LITTLE did knowingly cause ATTORNEY NUMBER Two to travel in interstate commerce from Birmingham in the State of Alabama to Phoenix in the State of Arizona, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of an unlawful activity, to wit, bribery in violation of the laws of the State of Arizona, Title 13, Arizona Statutes Annotated, Section 2605, and thereafter CHARLIE LITTLE did cause ATTORNEY NUMBER Two to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section

1952 and 2.

RACKETEERING ACT THREE (ATTORNEY NUMBER Three)

38. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Three.

39. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
3-A	Letter dated 3/19/99	Charles Little, UTU Head-quarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Three, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Three, have agreed to observe
3-B	Letter dated 8/7/01	Byron Boyd, UTU Head-quarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Three, to comply with them

All in violation of Title 18, United States Code, Sections

1341, 1346 and 2.

RACKETEERING ACT FOUR (ATTORNEY NUMBER Four)

40. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Four.

41. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
4-A	Letter dated 1/15/96	Charles Little, UTU Headquarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Four, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Four, have agreed to observe
4-B	Letter dated 4/29/96	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Four]	Grants ATTORNEY NUMBER Four permission to join UTU Local 18, as designated legal counsel of the UTU.

4-C	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Four, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Four, have agreed to observe
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All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 4-D

42. Beginning on or about June 1994 and continuing to August 2000, at Houston, Texas, and elsewhere, CHARLIE LITTLE committed bribery, in violation of Texas Penal Code, Section 32.43(b) and (d), in that CHARLIE LITTLE, being a fiduciary and acting on behalf of his beneficiary, to wit: the United Transportation Union (the UTU), without the consent of the UTU, intentionally and knowingly solicited, accepted, or agreed to accept benefits from other persons, to wit: ATTORNEY NUMBER Four and ATTORNEY NUMBER Thirty-two on agreement or understanding that the benefits would influence the conduct of CHARLIE LITTLE in relation to the affairs of the UTU, and thereby committed a state jail felony.

All in violation of Texas Penal Code, Section 32.43(b) and (d).

Racketeering Act 4-E

43. On or about September 21, 1999, in the States of Texas and Nevada and elsewhere, BYRON BOYD did knowingly cause ATTORNEY NUMBER Four to travel in interstate commerce from El Paso, in the

State of Texas to Las Vegas in the State of Nevada, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Nevada, Title 15, Nevada Statutes Annotated, Section 207.295, thereafter BYRON BOYD did cause ATTORNEY NUMBER Four to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT FIVE (ATTORNEY NUMBER Five)

44. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Five.

45. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
5-A	Letter dated 1/15/96	Charles Little, UTU Headquarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Five, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Five, have agreed to observe
5-B	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Five, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Five, have agreed to observe
5-C	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Five, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 5-D

46. On or about June 25, 2001, in the States of Alabama and North Carolina and elsewhere, BYRON BOYD did knowingly cause ATTORNEY NUMBER Five to travel in interstate commerce from Birmingham in the State of Alabama to Greensboro in the State of North Carolina, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of North Carolina, (N.C. Gen. Stat. Ann. §

14-353), and thereafter BYRON BOYD did cause ATTORNEY NUMBER Five to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT SIX (ATTORNEY NUMBER Six)

47. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Six.

48. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeer ing Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
6-A	Letter dated 1/11/96	Charles Little, UTU Head-quarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Six]	Appointing ATTORNEY NUMBER Six designated legal counsel of the UTU

6-B	Letter dated 1/15/96	Charles Little, UTU Headquarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Six , and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Six , have agreed to observe
6-C	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Six, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Six, have agreed to observe
6-D	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Six, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 6-E

49. On or about July 17, 1995, in the States of Pennsylvania and Illinois and elsewhere, CHARLIE LITTLE did knowingly cause ATTORNEY NUMBER Six to travel in interstate commerce from Bala Cynwyd in the State of Pennsylvania to Chicago in the State of Illinois, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Illinois, Chapter 720, Illinois Compiled Statutes Annotated, Act. 5, Title III, Article 29A-1, and thereafter CHARLIE LITTLE did cause

ATTORNEY NUMBER Six to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

Racketeering Act 6-F

50. On or about June 10, 2000, in the States of Pennsylvania and Nevada and elsewhere, CHARLIE LITTLE did knowingly cause ATTORNEY NUMBER Six to travel in interstate commerce from Bala Cynwyd in the State of Pennsylvania to Reno in the State of Nevada, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Nevada, Title 15, Nevada Statutes Annotated, Section 207.295, thereafter CHARLIE LITTLE did cause ATTORNEY NUMBER Six to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT SEVEN (ATTORNEY NUMBER Seven)

51. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Seven.

52. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud

described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeeri ng Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
7-A	Letter dated 12/19/95	ATTORNEY NUMBER Seven	Charles Little, UTU Head-quarters, Cleveland, Ohio	Tenders ATTORNEY NUMBER Seven's resignation as DLC Attorney in response to Little's request upon all DLC Attorneys for their pro forma resignations
7-B	Letter dated 1/15/96	Charles Little, UTU Head-quarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, ATTORNEY NUMBER Seven, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Seven, have agreed to observe
7-C	Letter dated 3/19/99	Charles Little, UTU Head-quarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Seven, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Seven, have agreed to observe
7-D	Letter dated 8/7/01	Byron Boyd, UTU Head-quarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Seven, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 7-E

53. On or about August 30, 1998, in the States of Ohio and Nebraska and elsewhere, BYRON BOYD did travel in interstate commerce from Columbus in the State of Ohio to Omaha in the State of Nebraska, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Nebraska, Chapter 28, Nebraska Revised Statutes of 1943, Section 28-613, and thereafter BYRON BOYD did perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

Racketeering Act 7-F

54. On or about April 19, 1999, in the State of Iowa and elsewhere, BYRON BOYD committed bribery, in violation of Title XVI, Iowa Code Annotated, Section 722.10, in that BYRON BOYD, being an employee and acting on behalf of his employer, to wit: the UTU, and acting on behalf of the UTU in a business transaction with a person, to wit: ATTORNEY NUMBER Seven, did solicit or receive from ATTORNEY NUMBER Seven a gratuity, to wit: cash money, directly or indirectly for BYRON BOYD's personal benefit in consideration of an act or omission which BYRON BOYD had reason to know was in conflict with his employment relation with, and duties to, the UTU, and thereby committed a state felony.

All in violation of Title XVI, Iowa Code Annotated, Section

RACKETEERING ACT EIGHT (ATTORNEY NUMBER Eight)

55. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Eight.

56. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeeri ng Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
8-A	Letter dated 2/25/99	Charles Little, UTU Head- quarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Eight]	Appointing ATTORNEY NUMBER Eight designated legal counsel of the UTU
8-B	Letter dated 3/19/99	Charles Little, UTU Head- quarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Eight, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Eight, have agreed to observe

8-C	Letter dated 8/7/01	Byron Boyd, UTU Head-quarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Eight, to comply with them
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All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT NINE (ATTORNEY NUMBER Nine)

57. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Nine.

58. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
9-A	Letter dated 1/18/99	Charles Little, UTU Head-quarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Nine]	Appointing ATTORNEY NUMBER Nine designated legal counsel of the UTU

9-B	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Nine, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Nine, have agreed to observe
9-C	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Nine, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 9-D

59. On or between February 28 and March 2, 1999, in the States of Florida and Arizona and elsewhere, CHARLIE LITTLE did knowingly cause ATTORNEY NUMBER Nine to travel in interstate commerce from Jacksonville in the State of Florida to Phoenix in the State of Arizona, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Arizona, Title 13, Arizona Statutes Annotated, Section 2605, and thereafter CHARLIE LITTLE did cause ATTORNEY NUMBER Nine to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT TEN (ATTORNEY NUMBER Ten)

60. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Ten.

61. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeeri ng Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
10-A	Letter dated 4/7/00	Charles Little, UTU Head- quarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Ten]	Appointing ATTORNEY NUMBER Ten designated legal counsel of the UTU
10-B	Letter dated 8/7/01	Byron Boyd, UTU Head- quarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Ten, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 10-C

62. On or about April 7, 2000, in the States of California and Washington and elsewhere, CHARLIE LITTLE and BYRON BOYD did knowingly cause ATTORNEY NUMBER Ten to travel in interstate commerce from Los Angeles in the State of California to Seattle in the State of Washington, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Washington, Title 9A, Revised Code of Washington Annotated, Section 9A.68.060, and thereafter CHARLIE LITTLE and BYRON BOYD did cause ATTORNEY NUMBER Ten to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT ELEVEN (ATTORNEY NUMBER Eleven)

63. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Eleven.

64. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to

be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon.

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
11-A	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Eleven, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Eleven, have agreed to observe
11-B	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Eleven, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 11-C

65. On or about February 28 1999, in the States of Minnesota and Arizona and elsewhere, CHARLIE LITTLE did knowingly cause ATTORNEY NUMBER Eleven to travel in interstate commerce from Minneapolis in the State of Minnesota to Phoenix in the State of Arizona, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Arizona, Title 13, Arizona Statutes Annotated, Section 2605, and thereafter CHARLIE LITTLE did cause ATTORNEY NUMBER Eleven to perform and attempt to perform the

aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT TWELVE (ATTORNEY NUMBER Twelve)

66. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Twelve.

67. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
12-A	Letter dated 10/26/96	[ATTORNEY NUMBER Twelve]	CHARLES LITTLE, International President, United Transportation Union, 14600 Detroit Avenue, Cleveland, Ohio, 44107-4250	Accepts LITTLE's appointment as designated legal counsel of the UTU and agrees to abide by the Rules of Conduct for UTU Designated Legal Counsel.

12-B	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Twelve, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Twelve, have agreed to observe
12-C	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Twelve, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT THIRTEEN (ATTORNEY NUMBER Thirteen)

68. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Thirteen.

69. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
13-A	Letter dated 3/10/00	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Thirteen]	Appointing ATTORNEY NUMBER Thirteen designated legal counsel of the UTU
13-B	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Thirteen, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 13-C

70. In or about December 1997, in Victoria, Texas, and elsewhere, CHARLIE LITTLE committed bribery, in violation of Texas Penal Code, Section 32.43(b) and (d), in that CHARLIE LITTLE being a fiduciary and acting on behalf of his beneficiary, to wit: the United Transportation Union (the UTU), without the consent of the UTU, intentionally and knowingly solicited, accepted, or agreed to accept benefits from other persons, to wit: ATTORNEY NUMBER Thirty-four on agreement or understanding that the benefits would influence the conduct of CHARLIE LITTLE in relation to the affairs of the UTU, and thereby committed a state jail felony.

All in violation of Texas Penal Code, Section 32.43(b) and (d).

RACKETEERING ACT FOURTEEN (ATTORNEY NUMBER Fourteen)

71. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Fourteen.

72. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeeri ng Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
14-A	Letter dated 1/11/96	Charles Little, UTU Head- quarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Fourteen]	Appointing ATTORNEY NUMBER Fourteen designated legal counsel of the UTU
14-B	Letter dated 1/15/96	Charles Little, UTU Head- quarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Fourteen and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Fourteen, have agreed to observe

14-C	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Fourteen, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Fourteen, have agreed to observe
14-D	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Fourteen, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT FIFTEEN (ATTORNEY NUMBER Fifteen)

73. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Fifteen.

74. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
15-A	Letter dated 3/30/99	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Fifteen]	Appointing ATTORNEY NUMBER Fifteen designated legal counsel of the UTU
15-B	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Fifteen, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 15-C

75. On or about July 10, 2000, in the States of Virginia and Alabama and elsewhere, CHARLIE LITTLE did knowingly cause ATTORNEY NUMBER Fifteen to travel in interstate commerce from Portsmouth, in the State of Virginia to Birmingham in the State of Alabama, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Alabama, Title 13A, Code of Alabama, Section 11-120, thereafter CHARLIE LITTLE did cause ATTORNEY NUMBER Fifteen to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT SIXTEEN (ATTORNEY NUMBER Sixteen)

76. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Sixteen.

77. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
16-A	Letter dated 2/20/97	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Sixteen]	Appointing ATTORNEY NUMBER Sixteen designated legal counsel of the UTU
16-B	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Sixteen, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Sixteen, have agreed to observe

16-C	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Sixteen, to comply with them
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All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 16-D

78. On or between February 28 and March 2, 1999, in the States of Missouri and Arizona and elsewhere, CHARLIE LITTLE did knowingly cause ATTORNEY NUMBER Sixteen to travel in interstate commerce from Kansas City in the State of Missouri to Phoenix in the State of Arizona, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Arizona, Title 13, Arizona Statutes Annotated, Section 2605, and thereafter CHARLIE LITTLE did cause ATTORNEY NUMBER Sixteen to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

Racketeering Act 16-E

79. On or about April 16, 1999, in the States of Missouri and Nebraska and elsewhere, CHARLIE LITTLE did knowingly cause ATTORNEY NUMBER Sixteen to travel in interstate commerce from Kansas City in the State of Missouri to North Platte in the State of Nebraska, with intent to promote, manage, establish, carry on,

or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of Nebraska, Chapter 28, Nebraska Revised Statutes of 1943, Section 28-613, and thereafter CHARLIE LITTLE did cause ATTORNEY NUMBER Sixteen to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT SEVENTEEN (ATTORNEY NUMBER Seventeen)

80. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Seventeen.

81. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
17-A	Letter dated 1/11/96	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Seventeen]	Appointing ATTORNEY NUMBER Seventeen designated legal counsel of the UTU
17-B	Letter dated 1/15/96	Charles Little, UTU Headquarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Seventeen, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Seventeen, have agreed to observe
17-C	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Seventeen, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Seventeen, have agreed to observe
17-D	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, ATTORNEY NUMBER Seventeen, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT EIGHTEEN (ATTORNEY NUMBER Eighteen)

82. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Eighteen.

83. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending

to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
18-A	Letter dated 12/19/95	[ATTORNEY NUMBER Eighteen]	Charles Little, UTU Headquarters, Cleveland, Ohio	Tenders ATTORNEY NUMBER Eighteen's resignation as DLC Attorney in response to Little's request upon all DLC Attorneys for their pro forma resignations
18-B	Letter dated 1/11/96	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Eighteen]	Appointing ATTORNEY NUMBER Eighteen designated legal counsel of the UTU
18-C	Letter dated 1/15/96	Charles Little, UTU Headquarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Eighteen, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Eighteen, have agreed to observe
18-D	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Eighteen, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Eighteen, have agreed to observe

18-E	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the D.L.C Attorneys, including ATTORNEY NUMBER Eighteen, to comply with them
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All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT NINETEEN (ATTORNEY NUMBER Nineteen)

84. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Nineteen.

85. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
19-A	Letter dated 4/1/96	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Nineteen]	Appointing ATTORNEY NUMBER Nineteen designated legal counsel of the UTU

19-B	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, ATTORNEY NUMBER Nineteen, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Nineteen, have agreed to observe
19-C	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Nineteen, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT TWENTY (ATTORNEY NUMBER Twenty)

86. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Twenty.

87. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
20-A	Letter dated 1/15/96	Charles Little, UTU Headquarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Twenty, and the rules of conduct Little has prescribed and the DLC Attorneys have agreed to observe
20-B	Letter dated 3/19/96	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Twenty]	Grants ATTORNEY NUMBER Twenty permission to join UTU Local 1524, as designated legal counsel of the UTU.
20-C	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Twenty, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Twenty, have agreed to observe
20-D	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Twenty, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 20-E

88. In or about June 13, 1999, in the States of Texas and Missouri and elsewhere, CHARLIE LITTLE did knowingly cause ATTORNEY NUMBER Twenty to travel in interstate commerce from Houston in the State of Texas to St. Louis in the State of Missouri, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying

on an unlawful activity, to wit, bribery in violation of the laws of the State of Missouri, Title XXXVIII, Missouri Statutes Annotated, Section 570.150, and thereafter CHARLIE LITTLE did cause ATTORNEY NUMBER Twenty to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT TWENTY-ONE (ATTORNEY NUMBER Twenty-one)

89. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Twenty-one.

90. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
21-A	Letter dated 1/15/96	Charles Little, UTU Headquarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Twenty-one, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Twenty-one, have agreed to observe
21-B	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Twenty-one, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Twenty-one, have agreed to observe
21-C	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Twenty-one, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT TWENTY-TWO (ATTORNEY NUMBER Twenty-two)

91. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Twenty-two.

92. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud

described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
22-A	Letter dated 9/1/98	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Twenty-two]	Appointing ATTORNEY NUMBER Twenty-two designated legal counsel of the UTU
22-B	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Twenty-two, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Twenty-two, have agreed to observe
22-C	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Twenty-two, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT TWENTY-THREE (ATTORNEY NUMBER Twenty-three)

93. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Twenty-three.

94. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
23-A	Letter dated 1/7/00	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Twenty-three]	Appointing ATTORNEY NUMBER Twenty-three designated legal counsel of the UTU
23-B	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Twenty-three, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT TWENTY-FOUR (ATTORNEY NUMBER Twenty-four)

95. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Twenty-four.

96. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
24-A	Letter dated 1/11/96	Charles Little, UTU Headquarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Twenty-four]	Appoints ATTORNEY NUMBER Twenty-four designated legal counsel of the UTU
24-B	Letter dated 1/15/96	Charles Little, UTU Headquarters, Cleveland, Ohio	U.S. Chairpersons, U.S. Local Chairpersons, and State Legislative Directors of the UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Twenty-four, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Twenty-four, have agreed to observe

24-C	Letter dated 3/19/99	Charles Little, UTU Headquarters, Cleveland, Ohio	Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU	Provides a list of all designated legal counsel of the UTU, including ATTORNEY NUMBER Twenty-four, and the rules of conduct Little has prescribed and the DLC Attorneys, including ATTORNEY NUMBER Twenty-four, have agreed to observe
24-D	Letter dated 12/5/00	ATTORNEY NUMBER Twenty-four	Mr. Ralph Dennis 2615 Robert Oliver Court Fernandina Beach, FL 32034	Provides Dennis with a cover letter and check for \$7,000 in response to Dennis' request for money for furniture
24-E	Letter dated 8/7/01	Byron Boyd, UTU Headquarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Twenty-four, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

RACKETEERING ACT TWENTY-FIVE (ATTORNEY NUMBER Twenty-five)

97. Defendants committed the following acts, any one of which alone, constitutes commission of Racketeering Act Twenty-five.

98. On or about each of the dates listed below, in the Southern District of Texas and elsewhere, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 above under "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and

authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

<u>Racketeering Act</u>	<u>Matter or Thing</u>	<u>Addressor</u>	<u>Addressee</u>	<u>Purpose</u>
25-A	Letter dated 3/1/00	Charles Little, UTU Head-quarters, Cleveland, Ohio	[Address of ATTORNEY NUMBER Twenty-five]	Appoints ATTORNEY NUMBER Twenty-five designated legal counsel of the UTU
25-B	Letter dated 8/7/01	Byron Boyd, UTU Head-quarters, Cleveland, Ohio	All Designated Legal Counsel of the UTU	Provides the rules of conduct Boyd has prescribed and directs the DLC Attorneys, including ATTORNEY NUMBER Twenty-five, to comply with them

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

Racketeering Act 25-C

99. On or about February 23, 2000, in Austin, Texas, and elsewhere, CHARLIE LITTLE and BYRON BOYD committed bribery, in violation of Texas Penal Code, Section 32.43(b) and (d), in that CHARLIE LITTLE and BYRON BOYD, being fiduciaries and acting on behalf of their beneficiary, to wit: the United Transportation Union (the UTU), without the consent of the UTU, intentionally and knowingly solicited, accepted, or agreed to accept benefits from other persons, to wit: ATTORNEY NUMBER Twenty-five on agreement or understanding that the benefits would influence the conduct of LITTLE and BOYD in relation to the affairs of the UTU, and thereby committed a state jail felony.

All in violation of Texas Penal Code, Section 32.43(b) and (d).

Racketeering Act 25-D

100. On or about June 25, 2001, in the States of Pennsylvania and North Carolina and elsewhere, BYRON BOYD did knowingly cause ATTORNEY NUMBER Twenty-five to travel in interstate commerce from Philadelphia in the State of Pennsylvania to Greensboro in the State of North Carolina, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on an unlawful activity, to wit, bribery in violation of the laws of the State of North Carolina, (N.C. Gen. Stat. Ann. § 14-353), and thereafter BYRON BOYD did cause ATTORNEY NUMBER Twenty-five to perform and attempt to perform the aforesaid unlawful activity.

All in violation of Title 18, United States Code, Section 1952 and 2.

RACKETEERING ACT TWENTY-SIX through THIRTY-TWO

101. On or about the dates indicated below, in the Southern District of Texas and elsewhere, Defendants CHARLIE LITTLE and BYRON BOYD, while officers of the UTU and while employed directly and indirectly by the UTU, did embezzle, steal and unlawfully and willfully abstract and convert to his own use the moneys, funds, securities, property, and other assets of said labor organization in the approximate amounts, category of expenditures, and dates listed below, said sums constituting payments of travel reimbursements from the UTU to the individual listed below:

<u>Racketeering Act</u>	<u>Approximate Amount</u>	<u>Category of Expenditure</u>	<u>Dates of Travel</u>
Twenty-Six	\$778.59	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Oct. 4-5, 1999
Twenty-Seven	\$663.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Feb. 15, 2000
Twenty-Eight	\$447.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Apr. 7, 2000
Twenty-Nine	\$294.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Nov. 8, 2000
Thirty	\$306.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Nov. 10, 2000
Thirty-one	\$564.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Dec. 5-6, 2000
Thirty-two	\$606.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Dec. 18, 2000

All in violation of Title 29, United States Code, Section 501(c) and Title 18, United States Code, Section 2.

RACKETEERING ACTS THIRTY-THREE through THIRTY-FIVE

102. On or about the dates indicated below, in the Southern District of Texas and elsewhere, Defendant BYRON BOYD, while an officer of the UTU and while employed directly and indirectly by the UTU, did embezzle, steal and unlawfully and willfully abstract and convert to his own use the moneys, funds, securities, property, and other assets of said labor organization in the approximate amounts, category of expenditures, and dates listed below, said sums constituting payments of travel

reimbursements from the UTU to the individual listed below:

<u>Racketeering Act</u>	<u>Approximate Amount</u>	<u>Category of Expenditure</u>	<u>Dates of Travel</u>
Thirty-three	\$1,142.50	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Aug. 14, 2001
Thirty-four	\$1,165.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Nov. 13, 2001
Thirty-five	\$1,878.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Nov. 18-19, 2001

All in violation of Title 29, United States Code, Section 501(c) and Title 18, United States Code, Section 2.

RACKETEERING ACT THIRTY-SIX

103. On or about November 13, 2001, in the Southern District of Texas and elsewhere, Defendant BYRON BOYD, aided and abetted by others known and unknown to the grand jury, did knowingly attempt to intimidate, threaten, and corruptly persuade ATTORNEY NUMBER Twenty-five by instructing ATTORNEY NUMBER Twenty-five to remain quiet concerning the activities of the UTU Enterprise, including his payment of \$30,000 in cash for his designation, with the intent to cause and induce ATTORNEY NUMBER Twenty-five to withhold testimony from an official proceeding in the Southern District of Texas.

All in violation of Title 18, United States Code, Section 1512(b) (2) (A) and 2.

RACKETEERING ACT THIRTY-SEVEN

104. On or about November 18, 2001, in the Southern District of Texas and elsewhere, Defendant BYRON BOYD, aided and abetted by others known and unknown to the grand jury, did knowingly attempt to intimidate, threaten, and corruptly persuade ATTORNEY NUMBER Ten by instructing ATTORNEY NUMBER Ten to remain quiet concerning the activities of the UTU Enterprise, including his payment of \$30,000 in cash for his designation, with the intent to cause and induce ATTORNEY NUMBER Ten to withhold testimony from an official proceeding in the Southern District of Texas.

All in violation of Title 18, United States Code, Section 1512(b)(2)(A) and 2.

COUNT TWO

(RICO Conspiracy - 18 U.S.C. §1962(d))

1. Paragraphs 1 through 25 of the General Allegations Section and Paragraphs 1 through 8 and 10 through 104 of Count One of this Indictment are hereby realleged and incorporated as if fully set forth in this paragraph.

A. The Conspiracy

2. Beginning in or about June 1994 and continuing to July 2003, in the Southern District of Texas, and elsewhere, Defendants, CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, together with others, being persons employed by and associated with the UTU Enterprise described in paragraph 2 of Count One

above, which enterprise engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly, intentionally and unlawfully combine, conspire, confederate, and agree together, and with each other, to violate Section 1962(c) of Title 18, United States Code, that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5).

3. The pattern of racketeering activity through which the Defendants agreed to conduct the affairs of the enterprise consisted of multiple acts:

A. Indictable under Title 18, United States Code, Sections 1341, 1346, and 2 (mail fraud);

B. Indictable under Title 18, United States Code, Sections 1343, 1346, and 2 (wire fraud);

C. Indictable under Title 18, United States Code, Sections 1952 and 2 (interstate travel in aid of racketeering);

D. Involving bribery in violation of:

1. Tex. Penal Code Ann. § 32.43;

2. Title XVI, Iowa Code Annotated, Section 722.10.

E. Indictable under Title 29, United States Code, Section 501(c) (embezzlement from a labor organization);

F. Indictable under Title 18, United States Code, Section 1512(b) (witness tampering);

4. It was a part of the conspiracy that each Defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the UTU Enterprise.

B. Manner and Means of the Conspiracy

5. It was part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would seek to dominate and control the operations of the UTU through the commission of mail and wire fraud, interstate travel in aid of racketeering, commercial bribery, and union embezzlement in order to run and operate the UTU's DLC program so as to enrich themselves and other members of the conspiracy.

6. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would abuse their responsibilities as officers and employees of the UTU by dealing with the UTU as an adverse party, by holding and acquiring any pecuniary or personal interest which conflicts with the interests of the UTU, and by failing to account to the UTU for profit received by them in connection with transactions conducted by them or under their direction on behalf of the UTU.

7. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, JOHN ROOKARD and other conspirators would violate their duties of honesty and trust that they owed to the membership of the UTU in order to generate income for themselves and the other members of the conspiracy.

8. It was further part of the conspiracy that Defendants CHARLIE LITTLE and BYRON BOYD would provide UTU members and DLC Attorneys with interpretations of the UTU Constitution specifying that the International President had the exclusive power to appoint DLC of the UTU, by criteria of their own choosing, and could unilaterally remove attorneys as designated legal counsel for any reason.

9. It was further part of the conspiracy that Defendant CHARLIE LITTLE would ask for the resignation of all incumbent DLC Attorneys upon taking the office of the International President of the UTU, in order to emphasize to those attorneys that they were answerable to CHARLIE LITTLE for their designation.

10. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would represent to the UTU membership that CHARLIE LITTLE and BYRON BOYD selected DLC Attorneys based upon the attorneys' professional acumen and experience, their honesty, and their fidelity to the UTU and its membership, when they did not intend to choose DLC Attorneys solely upon those grounds.

11. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would affirmatively represent that the DLC Attorneys were answerable to the UTU and its membership when, in fact, DLC Attorneys would be answerable only to CHARLIE LITTLE and BYRON BOYD personally.

12. It was further part of the conspiracy that Defendants CHARLIE LITTLE and BYRON BOYD devised and promulgated various "Rules of Conduct" DLC Attorneys were directed to follow when, in fact, Defendants took no action to sanction DLC Attorneys who violated the "Rules of Conduct" and often caused or solicited DLC Attorneys to violate the "Rules of Conduct."

13. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would represent to the UTU membership that the DLC Attorneys were not involved in UTU politics, elections, and internal affairs, when in fact, Defendants intended to involve DLC Attorneys in UTU politics, elections, and internal affairs, by demanding thousands of dollars in secret cash contributions for their campaigns.

14. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, JOHN ROOKARD and other conspirators would solicit attorneys to make cash payments to Defendants and other conspirators in order to gain the attorneys' inclusion on the list of Designated Legal Counsel of the UTU.

15. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would solicit DLC Attorneys to make cash payments to Defendants and conspirators in order to maintain the attorneys' inclusion on the list of Designated Legal Counsel of the UTU.

16. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other

conspirators would solicit and receive valuable gifts and other things of value from attorneys seeking to become or remain DLC Attorneys of the UTU.

17. It was further part of the conspiracy that Defendants CHARLIE LITTLE and BYRON BOYD would cause DLC Attorneys to attend various UTU meetings to facilitate the solicitation and collection of secret cash payments for Defendants from the DLC Attorneys.

18. It was further part of the conspiracy that Defendant JOHN ROOKARD and other conspirators would travel around the United States to solicit and collect secret cash payments for Defendants from the DLC Attorneys.

19. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would summon DLC Attorneys to meet with them to solicit and collect secret cash payments.

20. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would obtain campaign contributions for union election campaigns from DLC Attorneys and other attorneys seeking to become DLC Attorneys in order to establish, maintain, and further their influence over the leadership of the UTU, so that members of the conspiracy would continue to profit from their activities.

21. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other

conspirators would request payments from DLC Attorneys to cover alleged UTU expenses, when in fact the money solicited was intended for Defendants' election campaigns and personal use.

22. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would request that the DLC Attorneys make the secret payments to Defendants in the form of cash so the transactions would leave no paper trail and so the membership of the UTU and federal and state authorities would be unable to detect those secret payments.

23. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would solicit and collect cash payments from DLC Attorneys alone in such locations as hotel rooms, bars, restaurants, and airports to avoid the detection of the UTU membership and federal and state authorities.

24. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would provide cash paid by DLC attorneys to high-level UTU officials and employees who would then write checks to CHARLIE LITTLE's election campaign in order to avoid the detection of the UTU membership and federal and state authorities.

25. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would fail to file LM-30 reports annually with the

United States Department of Labor which reflected the secret cash payments from DLC Attorneys as "any income or any other benefit with monetary value (including reimbursed expenses)" received from a business dealing with the UTU, as they were required to do by Labor Management Reporting and Disclosure Act, Section 432(a)(4).

26. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would fail to file such LM-30 reports, or to otherwise account to the membership of the UTU for such cash payments from DLC Attorneys, in order to avoid detection of the payments by the membership of the UTU and federal and state authorities.

27. It was further part of the conspiracy that Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD and other conspirators would undertake all necessary means to prevent the detection of their criminal activities for the purpose of obstructing legitimate criminal investigations, furthering their activities and shielding their activities from the scrutiny of law enforcement officials.

C. Overt Acts of the Conspiracy

ATTORNEY NUMBER One

28. On or about January 11, 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER One as designated legal counsel of the UTU.

29. In or about the Summer of 1998, CHARLIE LITTLE approached ATTORNEY NUMBER One and told him that he would need

\$5,000 for his reelection campaign from ATTORNEY NUMBER One and that he would need it within six or eight months.

30. On or about November 8, 1998, CHARLIE LITTLE met ATTORNEY NUMBER One in the Capitol Grille Restaurant in Washington, D.C. During that meeting, CHARLIE LITTLE accepted delivery of an envelope from ATTORNEY NUMBER One containing \$5,000 in cash in the restaurant's restroom.

31. In or about December 1999, Ralph Dennis requested that ATTORNEY NUMBER One pay the rent for an apartment used by Ralph Dennis and JOHN ROOKARD in Cleveland. From on or about December 14, 1999, and continuing to September 2001, ATTORNEY NUMBER One's law firm paid \$800 per month towards rent for an apartment at the Carlyle apartments in Lakewood, Ohio, used by Ralph Dennis and JOHN ROOKARD for a period of 21 months, totaling \$16,800.

32. On or about February 1, 2001, at a DLC meeting in Key West, Florida, BYRON BOYD told ATTORNEY NUMBER One that he would need \$10,000 from ATTORNEY NUMBER One for his campaign.

33. On or about August 13, 2001, BOYD accepted delivery of \$10,000 in cash in an envelope from ATTORNEY NUMBER One in the UTU offices at 304 Pennsylvania Ave SE, in Washington, D.C.

ATTORNEY NUMBER Two

34. In or about late Spring or early summer of 1994, CHARLIE LITTLE met ATTORNEY NUMBER Two alone in a hotel lounge at a UTU meeting in Baton Rouge, where CHARLIE LITTLE told ATTORNEY NUMBER Two that he was going to need financial help with his run for International President. CHARLIE LITTLE then asked ATTORNEY

NUMBER Two for \$10,000 in cash.

35. In or about the Summer of 1994, CHARLIE LITTLE met ATTORNEY NUMBER Two in a hotel room Cleveland airport. During the meeting, ATTORNEY NUMBER Two delivered the \$10,000 in cash requested by CHARLIE LITTLE in Baton Rouge, by placing in an envelope on the desk. CHARLIE LITTLE picked up the envelope, after ATTORNEY NUMBER Two told him that the envelope was on the desk.

36. In or about January 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Two as a designated legal counsel of the UTU.

37. On or between February 28 and March 2, 1999, at a UTU meeting in Phoenix, Arizona, CHARLIE LITTLE summoned ATTORNEY NUMBER Two to his hotel room, and during their meeting, ATTORNEY NUMBER Two delivered an envelope with \$5,000 in cash that CHARLIE LITTLE had previously solicited.

38. On or about November 10, 2000, Ralph Dennis telephoned ATTORNEY NUMBER Two and asked him to meet him at the Birmingham, Alabama airport. During the meeting, Ralph Dennis told ATTORNEY NUMBER Two that BYRON BOYD needed cash for his election campaign.

ATTORNEY NUMBER Three

39. In or about January 1996, CHARLIE LITTLE reappointed ATTORNEY NUMBER Three as designated legal counsel of the UTU.

40. In or about May 1998, Ralph Dennis telephoned ATTORNEY NUMBER Three in his office in Minnesota and instructed him that he would come by the office in the near future and pick up an

envelope containing \$4,000 to 5,000 in cash. On or about May 30, 1998, Ralph Dennis visited ATTORNEY NUMBER Three's office and accepted delivery of an envelope containing the requested cash from one of ATTORNEY NUMBER Three's employees.

ATTORNEY NUMBER Four and ATTORNEY NUMBER Thirty-two

41. In or about June 1994, CHARLIE LITTLE had dinner in Cleveland, Ohio with attorneys ATTORNEY NUMBER Four and ATTORNEY NUMBER Thirty-two of Houston and El Paso, Texas, who were attempting to become designated legal counsel of the UTU. CHARLIE LITTLE told ATTORNEY NUMBER Four and ATTORNEY NUMBER Thirty-two that Neil Babineuax, CHARLIE LITTLE's campaign manager, would contact them.

42. Beginning in or about June 1994 and continuing to January 1996, CHARLIE LITTLE and his campaign manager, Neil Babineaux, accepted delivery of many payments of cash totaling approximately \$98,000 from ATTORNEY NUMBER Four and ATTORNEY NUMBER Thirty-two related to CHARLIE LITTLE's campaign for International President of the UTU. Neil Babineaux would contact ATTORNEY NUMBER Thirty-two in Houston for a payment, then ATTORNEY NUMBER Thirty-two would obtain cash from a Houston account and arrange for cash to be delivered to Neil Babineaux in Houston and Cleveland.

43. On or about January 15, 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Four as a designated legal counsel of the UTU.

44. On or about April 29, 1996, CHARLIE LITTLE mailed a letter to ATTORNEY NUMBER Four granting his permission to join

UTU Local 18 as designated legal counsel.

45. On or about March 9, 1998, at a UTU meeting in Hawks Cay, Florida, CHARLIE LITTLE accepted delivery of \$2,500 in cash from ATTORNEY NUMBER Four.

46. In or about December 1998, CHARLIE LITTLE accepted delivery of \$2,500 in cash from ATTORNEY NUMBER Thirty-two at a UTU Christmas party in Houston, Texas.

47. On or about June 3, 1999, at a UTU meeting in St. Louis, Missouri, JOHN ROOKARD solicited \$2,000 in cash from ATTORNEY NUMBER Four for CHARLIE LITTLE's reelection campaign.

48. On or about June 21, 1999, at a UTU meeting in El Paso, Texas, CHARLIE LITTLE told ATTORNEY NUMBER Four that the solicitation by JOHN ROOKARD for \$2,000 in cash was for CHARLIE LITTLE's campaign and not for ROOKARD personally. When CHARLIE LITTLE complained that ATTORNEY NUMBER Thirty-two, ATTORNEY NUMBER Four's partner, only gave him \$2,500 in cash, ATTORNEY NUMBER Four promised CHARLIE LITTLE that he would give him an additional \$2,500 in cash the next time they meet.

49. On or about June 21, 1999, at a UTU meeting in El Paso, Texas, JOHN ROOKARD accepted delivery of a payment of \$2,000 in cash for CHARLIE LITTLE's campaign through an intermediary who told ATTORNEY NUMBER Four, "Charlie appreciates it."

50. On or about August 21, 1999, at the UTU Convention in Miami, Florida, JOHN ROOKARD accepted delivery of \$2,000 in cash from ATTORNEY NUMBER Four.

51. On or about August 24, 1999, at the UTU Convention in Miami, Florida, JOHN ROOKARD accepted delivery of \$2,000 in cash from ATTORNEY NUMBER FOUR.

52. On or about August 25, 1999, at the UTU Convention in Miami, Florida, JOHN ROOKARD accepted delivery of \$800 in cash from ATTORNEY NUMBER FOUR.

53. On or about August 25, 1999, at the UTU Convention in Miami, Florida, CHARLIE LITTLE accepted delivery of \$2,500 in cash from ATTORNEY NUMBER FOUR in CHARLIE LITTLE's hotel suite. ATTORNEY NUMBER FOUR gave the cash to CHARLIE LITTLE explaining, "That's the \$2,500 I promised you." CHARLIE LITTLE responded, saying "Yeah, okay."

54. On or August 26, 1999, at the UTU Convention in Miami, Florida, CHARLIE LITTLE accepted delivery of \$1,000 in cash from ATTORNEY NUMBER FOUR in the bathroom of Shula's Steakhouse.

55. On or about September 21, 1999, at a UTU meeting in Las Vegas, Nevada, JOHN ROOKARD accepted delivery of a check from ATTORNEY NUMBER FOUR made out to JOHN ROOKARD for \$3,500. During the same meeting, JOHN ROOKARD solicited ATTORNEY NUMBER FOUR for \$600 per month towards the rent of a condo in Cleveland for UTU officials' use.

56. On or about September 21, 1999, at a UTU meeting in Las Vegas, Nevada, BYRON BOYD accepted delivery of \$500 in cash from ATTORNEY NUMBER FOUR in BYRON BOYD's hotel room. When ATTORNEY NUMBER FOUR promised to give BYRON BOYD \$1,500 later that day, BYRON BOYD responded, "That's fine." When the meeting ended,

BYRON BOYD arranged to meet ATTORNEY NUMBER Four later that evening and assured him that, "No one knows." ATTORNEY NUMBER Four replied, "Just me and you, Byron, okay?" BYRON BOYD answered, "Gotcha."

57. On or about September 22, 1999, at a UTU meeting in Las Vegas, Nevada, BYRON BOYD accepted delivery of \$1,500 in cash from ATTORNEY NUMBER Four.

58. On or about December 1, 1999, CHARLIE LITTLE solicited ATTORNEY NUMBER Four for the use of ATTORNEY NUMBER Four's apartment in Houston from December 20-30, 1999, and indicated to ATTORNEY NUMBER Four that he should leave some cash for CHARLIE LITTLE in the apartment.

59. On or about December 24, 1999, CHARLIE LITTLE telephoned ATTORNEY NUMBER Four in Houston and instructed him to deliver \$5,000 in cash to CHARLIE LITTLE at UTU meeting in Marco Island, Florida.

60. On or about January 10, 2000, in Austin, Texas, CHARLIE LITTLE instructed ATTORNEY NUMBER Four to deliver \$2,500 in cash to CHARLIE LITTLE at a UTU meeting on the following day.

61. On or about March 15, 2000, CHARLIE LITTLE solicited \$5,000 in cash from ATTORNEY NUMBER Four to be paid at Marco Island, Florida.

62. On or about April 1, 2000, BYRON BOYD accepted delivery of \$1,500 in cash from ATTORNEY NUMBER Four at a UTU meeting in Marco Island, Florida in BYRON BOYD's hotel room.

63. On or about April 1, 2000, CHARLIE LITTLE accepted delivery of \$5,000 in cash from ATTORNEY NUMBER Four at a UTU meeting in Marco Island, Florida.

64. On or about April 1, 2000, JOHN ROOKARD accepted delivery of \$1,000 in cash from ATTORNEY NUMBER Four at a UTU meeting in Marco Island, Florida.

65. On or about May 19, 2000, CHARLIE LITTLE accepted delivery of \$500 in cash from ATTORNEY NUMBER Four at Anthony's Restaurant in Houston, Texas. At this meeting, CHARLIE LITTLE solicited an additional \$9,000 from ATTORNEY NUMBER Four to pave CHARLIE LITTLE's driveway at his new home in Marble Falls, Texas.

66. On or about June 13, 2000, CHARLIE LITTLE accepted delivery of \$2,000 in cash from ATTORNEY NUMBER Four at a UTU meeting in Reno, Nevada.

67. On or about August 14, 2000, CHARLIE LITTLE accepted delivery of \$3,000 in cash from ATTORNEY NUMBER Four at CHARLIE LITTLE's home in Marble Falls, Texas.

ATTORNEY NUMBER Five and ATTORNEY NUMBER Twenty-seven

68. In or about January 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Five as a designated legal counsel of the UTU.

69. In or about the Summer of 1999, prior to the August convention, CHARLIE LITTLE accepted delivery of \$10,000 in cash from ATTORNEY NUMBER Five.

70. On or about November 10, 2000, Ralph Dennis telephoned ATTORNEY NUMBER Twenty-seven, ATTORNEY NUMBER Five's partner, and

requested to see him in ATTORNEY NUMBER Twenty-seven's office in Birmingham, Alabama. Ralph Dennis met with ATTORNEY NUMBER Twenty-seven and solicited a cash contribution of \$10,000 for BYRON BOYD's campaign.

71. On or about June 23, 2001, at a UTU regional meeting in Greensboro, North Carolina, Ralph Dennis solicited \$10,000 in cash from ATTORNEY NUMBER Twenty-seven.

72. On or between February and June 2002, Ralph Dennis requested and accepted delivery of two separate \$4,000 payments totaling \$8,000 from ATTORNEY NUMBER Five.

ATTORNEY NUMBER Six

73. On or about July 17, 1995, CHARLIE LITTLE met with ATTORNEY NUMBER Six in a hotel suite at the UTU convention in Chicago and accepted delivery of \$8,500 in cash.

74. On or about January 11, 1996, CHARLIE LITTLE reappointed ATTORNEY NUMBER Six as designated legal counsel of the UTU.

75. On or about June 19, 1998, Ralph Dennis approached ATTORNEY NUMBER Six at a UTU meeting in Toronto and said that CHARLIE LITTLE told him to ask ATTORNEY NUMBER Six for help in furnishing Ralph Dennis' new apartment in Cleveland.

76. On or about June 10, 2000, at a UTU meeting in Reno, Nevada, Ralph Dennis told ATTORNEY NUMBER Six that CHARLIE LITTLE wanted ATTORNEY NUMBER Six to buy a tractor for CHARLIE LITTLE's new home. At the same meeting, CHARLIE LITTLE accepted delivery

of \$3,500 in cash from ATTORNEY NUMBER Six as a contribution toward the tractor.

ATTORNEY NUMBER Seven

77. In or about January 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Seven as a designated legal counsel of the UTU.

78. In or about March 1998, BYRON BOYD approached ATTORNEY NUMBER Seven at a UTU meeting and asked for "help" for CHARLIE LITTLE, saying that CHARLIE LITTLE was having some problems. BYRON BOYD directed ATTORNEY NUMBER Seven to a patio where BYRON BOYD told CHARLIE LITTLE that ATTORNEY NUMBER Seven was willing to "help." BYRON BOYD told ATTORNEY NUMBER Seven that CHARLIE LITTLE needed \$10,000, that it should be in cash in two payments of \$5,000 each, and that BYRON BOYD would contact ATTORNEY NUMBER Seven in Omaha.

79. On or about August 30, 1998, BYRON BOYD met ATTORNEY NUMBER Seven in Omaha and accepted delivery of \$5,000 in cash in ATTORNEY NUMBER Seven's car on the way to a restaurant.

80. On or about April 19, 1999, at a UTU legislative meeting at the Starlite Best Western in Des Moines, Iowa, BYRON BOYD accepted delivery of \$5,000 in cash from ATTORNEY NUMBER Seven.

81. On or about November 9, 2000, JOHN ROOKARD met ATTORNEY NUMBER Seven in Harvey's Hotel and Casino in Council Bluffs, Iowa. JOHN ROOKARD asked ATTORNEY NUMBER Seven for "help" for BYRON BOYD and then extended ten fingers for ATTORNEY NUMBER Seven to see. JOHN ROOKARD instructed ATTORNEY NUMBER Seven he

wanted it by September.

82. In or about July 2002, Ralph Dennis telephoned ATTORNEY NUMBER Seven, said he had taken over from JOHN ROOKARD, and requested payment of the cash that JOHN ROOKARD had earlier demanded from ATTORNEY NUMBER Seven.

ATTORNEY NUMBER Eight

83. On or about February 25, 1999, CHARLIE LITTLE appointed ATTORNEY NUMBER Eight as a designated legal counsel of the UTU.

84. On or about July 11, 1999, at a UTU regional meeting in Washington, D.C., Ralph Dennis approached ATTORNEY NUMBER Eight, who was law partner with ATTORNEY NUMBER Thirty-three who was a DLC attorney. Ralph Dennis told ATTORNEY NUMBER Eight that he was CHARLIE LITTLE's right-hand man, and asked for the \$5,000 transition fee for transferring ATTORNEY NUMBER Thirty-three's designation to him. Ralph Dennis accepted delivery of \$5,000 in cash from ATTORNEY NUMBER Eight in a room at the Hyatt hotel in Washington.

ATTORNEY NUMBER Nine

85. In or about December 1998, Ralph Dennis arranged for ATTORNEY NUMBER Nine, a former DLC Attorney, to have dinner with CHARLIE LITTLE at a UTU meeting in Jacksonville, Florida.

86. On or about January 10, 1999, in Jacksonville, Florida, CHARLIE LITTLE met with ATTORNEY NUMBER Nine and asked whether he was interested in regaining his appointment as designated legal counsel of the UTU. CHARLIE LITTLE told ATTORNEY NUMBER Nine

that it would be necessary for ATTORNEY NUMBER Nine to make a contribution in the future.

87. On or about January 18, 1999, CHARLIE LITTLE appointed ATTORNEY NUMBER Nine designated legal counsel of the UTU.

88. On or between February 28 and March 2, 1999, at a UTU meeting in Phoenix, Arizona, CHARLIE LITTLE pulled ATTORNEY NUMBER Nine aside in the hotel and told him that he would have to make that contribution and instructed ATTORNEY NUMBER Nine to give him \$10,000 in cash.

89. On or about March 8, 1999, Ralph Dennis met ATTORNEY NUMBER Nine for lunch in Fernandina Beach, Florida and accepted delivery of \$10,000 in cash from ATTORNEY NUMBER Nine in a brown paper bag.

ATTORNEY NUMBER Ten

90. ATTORNEY NUMBER Ten sought an appointment as a DLC Attorney since the early 1990's. Defendants informed ATTORNEY NUMBER Ten through one of ATTORNEY NUMBER Ten's investigators that ATTORNEY NUMBER Ten would need to give them \$30,000 in cash to gain his appointment.

91. In or about late March or early April 2000, BYRON BOYD telephoned ATTORNEY NUMBER Ten and instructed him to come see him in Seattle.

92. On or about April 7, 2000, ATTORNEY NUMBER Ten met BYRON BOYD and Ralph Dennis in the Fours Seasons hotel in Seattle. When ATTORNEY NUMBER Ten attempted to give BYRON BOYD

an envelope, BYRON BOYD directed him not to and told ATTORNEY NUMBER Ten to do business with Ralph Dennis. Ralph Dennis went to ATTORNEY NUMBER Ten's hotel room with ATTORNEY NUMBER Ten. ATTORNEY NUMBER Ten told Ralph Dennis that what Ralph Dennis wanted was in the desk drawer, and Ralph Dennis retrieved an envelope from the drawer containing \$30,000 in cash without saying anything.

93. On or about April 7, 2000, BYRON BOYD gave ATTORNEY NUMBER Ten a letter wherein CHARLIE LITTLE appoints ATTORNEY NUMBER Ten as designated legal counsel of the UTU.

94. On or about November 11, 2000, JOHN ROOKARD telephoned ATTORNEY NUMBER Ten and arranged to meet him for dinner at Morton's restaurant in Los Angeles. During that dinner, JOHN ROOKARD told ATTORNEY NUMBER Ten that CHARLIE LITTLE would be happy if ATTORNEY NUMBER Ten hired JOHN ROOKARD as an investigator for \$1,500 per month.

95. On or about November 15, 2000, ATTORNEY NUMBER Ten hired JOHN ROOKARD after verifying that the request to do so came from UTU headquarters. JOHN ROOKARD performed little or no services for ATTORNEY NUMBER Ten's firm and refused to account to ATTORNEY NUMBER Ten for his time when ATTORNEY NUMBER Ten requested. JOHN ROOKARD accepted delivery of \$1,500 per month from ATTORNEY NUMBER Ten until May 2001, totaling \$9,000.

96. On or about November 13, 2001, BYRON BOYD directed Ralph Dennis to visit ATTORNEY NUMBER Ten at his office and to tell ATTORNEY NUMBER Ten to keep quiet regarding cash payments to

CHARLIE LITTLE and BYRON BOYD.

97. On or about November 19, 2001, Ralph Dennis visited ATTORNEY NUMBER Ten in his office and told him to keep quiet regarding cash payments ATTORNEY NUMBER Ten made to CHARLIE LITTLE and BYRON BOYD.

ATTORNEY NUMBER Eleven

98. On or about February 28, 1999, CHARLIE LITTLE and ATTORNEY NUMBER Eleven played golf at a UTU meeting in Scottsdale, Arizona. After their round, ATTORNEY NUMBER Eleven offered CHARLIE LITTLE an envelope with \$10,000 in cash in it, and told him that he understood CHARLIE LITTLE wanted the \$10,000 and that he hoped it would be put to good use. CHARLIE LITTLE took the envelope and responded that it would.

ATTORNEY NUMBER Twelve

99. On or about January 10, 1998, CHARLIE LITTLE accepted delivery of an envelope containing \$5,000 in cash from ATTORNEY NUMBER Twelve in a restaurant in Cleveland during a UTU meeting.

100. On or about July 11, 1999, CHARLIE LITTLE approached ATTORNEY NUMBER Twelve in a hotel lobby during a UTU regional meeting in Washington, D.C., and told ATTORNEY NUMBER Twelve that he needed \$10,000 in cash and that ATTORNEY NUMBER Twelve could pay it half that year and the other half in the following year.

101. On or about August 25, 1999, CHARLIE LITTLE accepted delivery of an envelope containing \$5,000 in cash from ATTORNEY NUMBER Twelve in the Fountainbleu hotel in Florida during the UTU

convention.

ATTORNEYS NUMBER Thirteen and Thirty-four

102. In or about December 1997, in Victoria, Texas, CHARLIE LITTLE accepted delivery of \$5,000 in cash from ATTORNEY NUMBER Thirty-four who is a partner of ATTORNEY NUMBER Thirteen.

103. On or about March 10, 2000, CHARLIE LITTLE appointed ATTORNEY NUMBER Thirteen as designated legal counsel of the UTU.

104. In or about the Fall of 2000, JOHN ROOKARD visited ATTORNEY NUMBER Thirty-four in his Houston office and told him that BYRON BOYD was running for election and needed \$10,000 in cash.

ATTORNEY NUMBER Fourteen

105. On or about January 11, 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Fourteen as a designated legal counsel of the UTU.

106. On or about August 22, 1997, at a UTU meeting in Atlanta Georgia, CHARLIE LITTLE instructed ATTORNEY NUMBER Fourteen that he should come up to CHARLIE LITTLE'S suite. When they were alone in the suite, CHARLIE LITTLE accepted delivery of an envelope containing \$3,000 to \$4,000 in cash from ATTORNEY NUMBER Fourteen and thanked him. ATTORNEY NUMBER Fourteen brought the cash to the meeting because Ralph Dennis had telephoned him prior to the meeting and instructed him to do so.

107. On or about January 8, 1998, Ralph Dennis approached ATTORNEY NUMBER Fourteen in a hotel lobby at a UTU meeting in

Jacksonville Beach, Florida and asked him to step outside. Ralph Dennis asked for \$5,000 for CHARLIE LITTLE. Ralph Dennis took \$2,000 in cash that ATTORNEY NUMBER Fourteen was carrying at the time. Ralph Dennis telephoned ATTORNEY NUMBER Fourteen in the succeeding months requesting the additional \$3,000 in cash.

108. On or about January 12, 1998, ATTORNEY NUMBER Fourteen responded to Ralph Dennis' requests and traveled to Cleveland to see CHARLIE LITTLE in his office. ATTORNEY NUMBER Fourteen told CHARLIE LITTLE that he brought the cash as requested by Ralph Dennis. CHARLIE LITTLE took from ATTORNEY NUMBER Fourteen an envelope containing \$5,000 in cash.

ATTORNEY NUMBER Fifteen

109. On or about March 30, 1999, CHARLIE LITTLE appointed ATTORNEY NUMBER Fifteen as a designated legal counsel of the UTU.

110. On or about February 15, 2000, Ralph Dennis visited ATTORNEY NUMBER Fifteen in his office in Portsmouth, Virginia. When they went to lunch, Ralph Dennis said that he needed a contribution and wrote the figure \$10,000 on a napkin.

111. On or about July 10, 2000, CHARLIE LITTLE met with ATTORNEY NUMBER Fifteen alone in a hotel room at a UTU regional meeting in Birmingham, Alabama. During this meeting, CHARLIE LITTLE accepted delivery of an envelope from ATTORNEY NUMBER Fifteen containing \$10,000 in cash and thanked him.

112. On or between June 6 and 21, 2002, Ralph Dennis telephoned ATTORNEY NUMBER Fifteen at his office in Portsmouth, Virginia and asked him about getting another contribution. On or

about August 16, 2002, at a regional meeting in New Orleans, Ralph Dennis again solicited a contribution from ATTORNEY NUMBER Fifteen.

ATTORNEY NUMBER Sixteen

113. On or about February 20, 1997, CHARLIE LITTLE appointed ATTORNEY NUMBER Sixteen as a designated legal counsel of the UTU.

114. In or about February 1999, Ralph Dennis telephoned ATTORNEY NUMBER Sixteen and said that he needed \$10,000 for the convention and asked him to bring it in cash to the Phoenix UTU meeting from February 28 to March 2, 1999.

115. On or between February 28 and March 2, 1999, ATTORNEY NUMBER Sixteen met CHARLIE LITTLE in his hotel room in Phoenix and gave CHARLIE LITTLE an envelope containing \$6,000 in cash.

116. In or about April 1999, Ralph Dennis telephoned ATTORNEY NUMBER Sixteen and said they wanted the rest of the \$10,000 and instructed him to give it to CHARLIE LITTLE at the mid-April UTU meeting in North Platte, Nebraska.

117. On or about April 16, 1999, CHARLIE LITTLE and Ralph Dennis waited for ATTORNEY NUMBER Sixteen in the hallway at the Hampton Inn in North Platte, Nebraska, while ATTORNEY NUMBER Sixteen retrieved an envelope with \$4,000 in cash in it. Ralph Dennis later accepted delivery of the envelope from ATTORNEY NUMBER Sixteen.

118. On or about February 23, 2001, during a meeting of the DLC Attorneys in San Diego, JOHN ROOKARD told ATTORNEY NUMBER Sixteen they needed help with the convention. ATTORNEY NUMBER Sixteen rebuffed him saying that the convention was not until 2003.

119. On or about October 2, 2001, Ralph Dennis telephoned ATTORNEY NUMBER Sixteen and instructed him to meet him at the Kansas City Airport Hilton. During that meeting, Ralph Dennis accepted delivery of an envelope containing \$4,000 in cash.

120. On or about December 18, 2001, Ralph Dennis instructed ATTORNEY NUMBER Sixteen to meet him at the Christmas party given by a UTU local near Kansas City. During the party, Ralph Dennis met ATTORNEY NUMBER Sixteen alone of the bar and accepted delivery of an envelope from him containing \$3,000 in cash.

ATTORNEY NUMBER Seventeen and ATTORNEY NUMBER Twenty-nine

121. In or about February 1995, CHARLIE LITTLE's campaign manager, Neil Babineaux, met ATTORNEY NUMBER Seventeen on behalf of CHARLIE LITTLE in Pittsburgh and told him that he could help CHARLIE LITTLE's campaign with \$10,000 in cash. ATTORNEY NUMBER Seventeen's law partner, ATTORNEY NUMBER Twenty-nine, later met Neil Babineaux at the U.S. Air Club in the Cleveland airport and gave him \$5,000 in cash.

122. In or about March 1995, CHARLIE LITTLE arranged by telephone to meet ATTORNEY NUMBER Seventeen in a restaurant in Cleveland, where ATTORNEY NUMBER Seventeen handed CHARLIE LITTLE \$5,000 in cash in an envelope.

123. On or about January 11, 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Seventeen as a designated legal counsel of the UTU.

124. On or about June 19, 1998, CHARLIE LITTLE accepted delivery of \$5,000 in cash from ATTORNEY NUMBER Seventeen at a UTU regional meeting in Toronto, Canada.

125. On or about January 8, 1999, CHARLIE LITTLE accepted delivery of \$5,000 in cash from ATTORNEY NUMBER Seventeen at a UTU meeting in Jacksonville, Florida.

126. On or about August 24, 1999, at the UTU convention in Miami, Ralph Dennis directed ATTORNEY NUMBER Seventeen that ATTORNEY NUMBER Seventeen and ATTORNEY NUMBER Four were going to take CHARLIE LITTLE and a party of UTU officials and their families to Shula's Steakhouse for dinner. ATTORNEY NUMBER Seventeen picked up the tab for this dinner, totaling roughly \$4,000.

ATTORNEY NUMBER Eighteen

127. On or about January 11, 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Eighteen as designated legal counsel of the UTU.

128. On or about April 19, 1999, CHARLIE LITTLE accepted delivery of \$5,000 in cash from ATTORNEY NUMBER Eighteen.

129. On or about October 28, 1999, CHARLIE LITTLE accepted delivery of \$5,000 in cash from ATTORNEY NUMBER Eighteen.

130. On or about April 1, 2000, at a UTU meeting in Marco Island, Florida, BYRON BOYD accepted delivery of \$5,000 in cash

in an envelope from ATTORNEY NUMBER Eighteen in BYRON BOYD's hotel room.

ATTORNEY NUMBER Nineteen

131. On or about April 1, 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Nineteen as a designated legal counsel of the UTU.

132. On or about February 17, 1999, Ralph Dennis received a Federal Express package at his residence in Fernandina, Florida from Attorney Number Nineteen containing \$10,000 in cash for CHARLIE LITTLE. Ralph Dennis thereafter delivered the money to CHARLIE LITTLE in Cleveland, Ohio.

133. On or about December 6, 2000, Ralph Dennis visited ATTORNEY NUMBER Nineteen in his office in Norfolk, Virginia, told ATTORNEY NUMBER Nineteen that CHARLIE LITTLE needed some help. Ralph Dennis then lifted both hands up, showed ten fingers to ATTORNEY NUMBER Nineteen, and told ATTORNEY NUMBER Nineteen he would return in a couple weeks.

134. Sometime after December 6, 2000, Ralph Dennis telephoned ATTORNEY NUMBER Nineteen several times asking about when he would receive \$10,000 in cash. Ralph Dennis returned to Norfolk, and accepted delivery of \$10,000 in cash in an envelope from ATTORNEY NUMBER Nineteen.

135. On or about October 12, 2001, Ralph Dennis traveled to ATTORNEY NUMBER Nineteen's office in Norfolk, told ATTORNEY NUMBER Nineteen that BYRON BOYD needed his help again, and that

they expected him to make another payment. Ralph Dennis then held up both hands and showed ATTORNEY NUMBER Nineteen ten fingers. Ralph Dennis returned to ATTORNEY NUMBER Nineteen's office and, when ATTORNEY NUMBER Nineteen pushed an envelope with \$10,000 in cash across his desk, Ralph Dennis took the envelope.

136. In or about December 2002, Ralph Dennis telephoned ATTORNEY NUMBER Nineteen asking to meet with him in Norfolk. Ralph Dennis later telephoned ATTORNEY NUMBER Nineteen and told him he would meet him at the UTU regional meeting in Jacksonville, Florida.

ATTORNEY NUMBER Twenty

137. On or between April and May 1995, a UTU officer approached ATTORNEY NUMBER Twenty at UTU meeting in Texas and asked if he would support CHARLIE LITTLE's campaign with a cash contribution. Two to three weeks later, ATTORNEY NUMBER Twenty handed the UTU officer \$5,000 in cash during dinner at a restaurant in either Houston or Fort Worth.

138. On or about July 17, 1995, at the UTU Convention in Chicago, Neil Babineaux, CHARLIE LITTLE's campaign manager, told ATTORNEY NUMBER Twenty that the campaign needed more money.

139. In or about January 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Twenty as designated legal counsel of the UTU.

140. On or about March 19, 1996, CHARLIE LITTLE mailed a letter to ATTORNEY NUMBER Twenty granting his permission to join UTU Local 1524 as designated legal counsel.

141. On or about April 12, 1996, ATTORNEY NUMBER Twenty and his partner met Neil Babineaux at Floyd's Cajun Shack restaurant in Houston, and passed him an envelope containing \$5,000 in cash.

142. On or about June 13, 1999, at a UTU regional meeting in St. Louis, Missouri, CHARLIE LITTLE summoned ATTORNEY NUMBER Twenty to CHARLIE LITTLE's hotel room where CHARLIE LITTLE accepted delivery of an envelope from ATTORNEY NUMBER Twenty containing \$5,000 in cash.

143. On or about October 11, 2000, at a UTU meeting in San Diego, JOHN ROOKARD approached ATTORNEY NUMBER Twenty and said he was having trouble making ends meet and asked whether he could go to work for ATTORNEY NUMBER Twenty's firm. ATTORNEY NUMBER Twenty agreed and paid JOHN ROOKARD \$1,000 per month plus expenses for twenty months totaling \$20,000. JOHN ROOKARD performed little or no work for those payments.

144. On or about February 27, 2001, JOHN ROOKARD telephoned ATTORNEY NUMBER Twenty in his Houston office while JOHN ROOKARD was in Houston for a UTU computer training course. JOHN ROOKARD asked ATTORNEY NUMBER Twenty for \$1,500, saying its purpose was political.

ATTORNEY NUMBER Twenty-one

145. In or about January 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Twenty-one as designated legal counsel of the UTU.

146. In or about February 1999, BYRON BOYD directed ATTORNEY NUMBER Twenty-one to hire JOHN ROOKARD as an

investigator. ATTORNEY NUMBER Twenty-one's firm hired JOHN ROOKARD for six months at \$2,250 per month, ending in July 1999, totaling \$13,500, though JOHN ROOKARD performed little or no services for ATTORNEY NUMBER Twenty-one's firm.

147. On or about April 27, 2000, CHARLIE LITTLE met with ATTORNEY NUMBER Twenty-one in a room at the Sante Fe, New Mexico Radisson Hotel. During that meeting, CHARLIE LITTLE accepted delivery of an envelope from ATTORNEY NUMBER Twenty-one containing \$10,000 in cash, and thanked ATTORNEY NUMBER Twenty-one.

148. In or about the Summer of 2001, JOHN ROOKARD visited ATTORNEY NUMBER Twenty-one at his office in New Mexico. JOHN ROOKARD took ATTORNEY NUMBER Twenty-one outside the office and told him that BYRON BOYD needed help with his campaign for International President, then held up ten fingers for ATTORNEY NUMBER Twenty-one to see.

ATTORNEY NUMBER Twenty-two

149. On or about September 1, 1998, CHARLIE LITTLE appointed ATTORNEY NUMBER Twenty-two as designated legal counsel of the UTU.

150. In or about the Fall of 1998, JOHN ROOKARD telephoned ATTORNEY NUMBER Twenty-two and told him that CHARLIE LITTLE needed his "help" and asked for \$3,000 to 5,000 in cash. JOHN ROOKARD telephoned a second time instructing ATTORNEY NUMBER Twenty-two to bring the cash to a UTU-sponsored Christmas party in Vancouver, Washington.

151. On or about December 8, 1998, JOHN ROOKARD accepted delivery of an envelope containing \$3,000 to \$5,000 in cash from ATTORNEY NUMBER Twenty-two at a UTU-sponsored Christmas party in Vancouver, Washington.

152. Sometime after December 8, 1998, JOHN ROOKARD accepted delivery of a second envelope containing \$3,000 to 5,000 in cash from ATTORNEY NUMBER Twenty-two.

ATTORNEY NUMBER Twenty-three

153. On or about January 7, 2000, CHARLIE LITTLE appointed ATTORNEY NUMBER Twenty-three as designated legal counsel of the UTU.

154. In or about February 2000, CHARLIE LITTLE telephoned ATTORNEY NUMBER Twenty-three in his Houston office and asked him for \$10,000 in cash for an undisclosed special project. CHARLIE LITTLE telephoned ATTORNEY NUMBER Twenty-three again and arranged to meet him at the next DLC meeting in Florida.

155. On or about April 1, 2000, CHARLIE LITTLE summoned ATTORNEY NUMBER Twenty-three to meet with him alone in a hotel room in Marco Island, Florida. During that meeting, CHARLIE LITTLE accepted delivery from ATTORNEY NUMBER Twenty-three of an envelope containing the requested \$10,000 in cash. CHARLIE LITTLE thanked ATTORNEY NUMBER Twenty-three and put the envelope away.

156. On or about October 14, 2001, JOHN ROOKARD summoned ATTORNEY NUMBER Twenty-three to a meeting at a hotel near the Houston airport. During that meeting, JOHN ROOKARD told ATTORNEY

NUMBER Twenty-three that BYRON BOYD was running for International President at the next convention, and that he was giving ATTORNEY NUMBER Twenty-three advance notice that BYRON BOYD and JOHN ROOKARD would expect ATTORNEY NUMBER Twenty-three's financial support for BYRON BOYD's election campaign.

ATTORNEY NUMBER Twenty-four

157. On or about October 4, 1999, Ralph Dennis visited ATTORNEY NUMBER Twenty-four in his office in New York City and solicited \$10,000 in cash in order to help "defray expenses" of UTU officials moving to Cleveland. In fact, Ralph Dennis solicited the money at CHARLIE LITTLE's suggestion in order to purchase furniture for Ralph Dennis' apartment. ATTORNEY NUMBER Twenty-four refused to provide Ralph Dennis with cash but offered to provide a check to Ralph Dennis.

158. On or between November 13 and December 13, 1999, BYRON BOYD, JOHN ROOKARD, and Ralph Dennis used cash obtained from DLC attorneys to purchase furniture valued over \$12,0000, at Levin furniture store in Cleveland, Ohio, for their respective apartments in the Carlyle Apartments in Lakewood, Ohio.

159. On or about January 25, 2000, Ralph Dennis accepted delivery of a check for \$7,000 from ATTORNEY NUMBER Twenty-four with "public relations" written in the legend. Ralph Dennis delivered \$5,000 in cash from the check to CHARLIE LITTLE and kept \$2,000 in order to pay income taxes.

ATTORNEY NUMBER Twenty-five

160. On or about February 2000, BYRON BOYD telephoned an employee of ATTORNEY NUMBER Twenty-five to Cleveland to discuss whether ATTORNEY NUMBER Twenty-five could be appointed designated legal counsel of the UTU.

161. On or about February 9, 2000, in his office in Cleveland, BYRON BOYD told the employee that ATTORNEY NUMBER Twenty-five would have to pay his "dues" like the rest of the designated legal counsel. BYRON BOYD then wrote down the figure \$30,000 on a piece of paper and handed it to the employee.

162. On or about February 23, 2000, ATTORNEY NUMBER Twenty-five and his employee traveled to Austin, Texas at BYRON BOYD's direction. BYRON BOYD met ATTORNEY NUMBER Twenty-five and his employee at the airport and took them to lunch at a diner. At lunch, BYRON BOYD accepted delivery of \$30,000 in cash from ATTORNEY NUMBER Twenty-five. BYRON BOYD then gave ATTORNEY NUMBER Twenty-five a letter signed by CHARLIE LITTLE appointing ATTORNEY NUMBER Twenty-five as a designated legal counsel of the UTU.

163. In or about April or May 2001, Ralph Dennis visited ATTORNEY NUMBER Twenty-five in his office, told ATTORNEY NUMBER Twenty-five that BYRON BOYD needed his support, and held up eight fingers.

164. On or about June 25, 2001, BYRON BOYD accepted delivery of \$8,000 in cash from ATTORNEY NUMBER Twenty-five at a UTU meeting in Greensboro, North Carolina.

165. On or about November 13, 2001, BYRON BOYD directed Ralph Dennis to travel to Philadelphia, Pennsylvania in order to tell ATTORNEY NUMBER Twenty-five to keep quiet regarding cash payments made to CHARLIE LITTLE and BYRON BOYD.

166. On or about November 13, 2001, Ralph Dennis visited ATTORNEY NUMBER Twenty-five in his office and told him to keep quiet regarding cash payments ATTORNEY NUMBER Twenty-five made to CHARLIE LITTLE and BYRON BOYD.

ATTORNEY NUMBER Twenty-six

167. In or about the Spring of 2001, Ralph Dennis had lunch with ATTORNEY NUMBER Twenty-six in Jacksonville, Florida. When ATTORNEY NUMBER Twenty-six indicated to Ralph Dennis that he wanted to be a designated legal counsel of the UTU, Ralph Dennis told ATTORNEY NUMBER Twenty-six that it would cost him \$10,000 in cash.

168. On or about August 14, 2001, in Jacksonville, Florida, Ralph Dennis accepted delivery of \$10,000 in cash in an envelope from ATTORNEY NUMBER Twenty-six at an Olive Garden restaurant. Ralph Dennis thereafter delivered \$9,600 to BYRON BOYD.

ATTORNEY NUMBER Twenty-eight

169. On or about January 10, 1998, CHARLIE LITTLE summoned ATTORNEY NUMBER Twenty-eight and other DLC Attorneys to Cleveland for a presentation. In the lobby of the Sheraton hotel in Cleveland, CHARLIE LITTLE told ATTORNEY NUMBER Twenty-eight that he wanted \$10,000 in cash by December and that he did not care how ATTORNEY NUMBER Twenty-eight obtained it.

ATTORNEY NUMBER Thirty

170. In or about July 1998, CHARLIE LITTLE reappointed ATTORNEY NUMBER Thirty, a former DLC Attorney, as designated legal counsel of the UTU.

171. On or about August 10, 1998, at a UTU meeting in Reno, Nevada, CHARLIE LITTLE asked to see ATTORNEY NUMBER Thirty alone in CHARLIE LITTLE's hotel suite. During that meeting, CHARLIE LITTLE told ATTORNEY NUMBER Thirty that he wanted \$10,000 in cash. CHARLIE LITTLE explained that he needed the money to relocate UTU officials to strengthen CHARLIE LITTLE's political position. When ATTORNEY NUMBER Thirty protested that the payments would not be legal, CHARLIE LITTLE assured him that only he and ATTORNEY NUMBER Thirty would know.

172. On or about February 9, 2000, JOHN ROOKARD visited ATTORNEY NUMBER Thirty in his Los Angeles office and told ATTORNEY NUMBER Thirty that CHARLIE LITTLE and BYRON BOYD needed financial help and held up five fingers. When ATTORNEY NUMBER Thirty asked if he meant five thousand, JOHN ROOKARD replied yes and indicated that he wanted cash. When ATTORNEY NUMBER Thirty protested that the payments were not legal, JOHN ROOKARD stated that 99.9 percent of the DLC Attorneys were making similar cash payments.

173. On or between February 9 and late March 2000, JOHN ROOKARD telephoned ATTORNEY NUMBER Thirty several times asking about the requested cash. During the last call, JOHN ROOKARD told ATTORNEY NUMBER Thirty that CHARLIE LITTLE wanted to speak

to him personally at the April 2000 meeting of DLC Attorneys in Marco Island, Florida.

ATTORNEY NUMBER Thirty-one

174. On or about January 5, 1998, CHARLIE LITTLE appointed ATTORNEY NUMBER Thirty-one as designated legal counsel of the UTU.

175. On or about January 12, 1998, at a meeting of DLC Attorneys and UTU officers in Cleveland, CHARLIE LITTLE pulled ATTORNEY NUMBER Thirty-one aside in a hallway and told him that he would need \$10,000 in cash for his election campaign, and instructed ATTORNEY NUMBER Thirty-one to get it before the end of the year.

176. On or about December 29, 1998, CHARLIE LITTLE traveled to the Cleveland airport and met with ATTORNEY NUMBER Thirty-one in order to collect \$10,000 in cash.

ATTORNEY NUMBER Thirty-five

177. On or about February 11, 1995, CHARLIE LITTLE accepted delivery of \$10,000 in cash in Cleveland, Ohio, from ATTORNEY NUMBER Thirty-five.

178. On or about June 3, 1995, CHARLIE LITTLE accepted delivery of \$10,000 in cash in Cleveland, Ohio, from ATTORNEY NUMBER Thirty-five.

179. On or about January 11, 1996, CHARLIE LITTLE appointed ATTORNEY NUMBER Thirty-five as designated legal counsel of the UTU.

ATTORNEY NUMBER Thirty-six

180. On or about December 17, 1997, CHARLIE LITTLE told ATTORNEY NUMBER Thirty-six that he would need \$10,000 cash payable over the course of the following year.

181. In or about January 1997, CHARLIE LITTLE appointed ATTORNEY NUMBER Thirty-six as designated legal counsel of the UTU.

182. On or about April 23, 1998, BYRON BOYD accepted delivery of \$5,000 cash in Seattle, Washington, from ATTORNEY NUMBER Thirty-six intended for CHARLIE LITTLE.

183. On or about August 27, 1998, JOHN ROOKARD accepted delivery of \$1,000 cash in Seattle, Washington, from ATTORNEY NUMBER Thirty-six.

184. On or about December 1, 1998, BYRON BOYD accepted delivery of \$5,000 cash in Seattle, Washington, from ATTORNEY NUMBER thirty-six intended for CHARLIE LITTLE.

185. On or about December 14, 1998, JOHN ROOKARD accepted delivery of \$2,000 cash in Seattle, Washington, from ATTORNEY NUMBER thirty-six.

186. In or about January 1998, ATTORNEY NUMBER Thirty-six hired JOHN ROOKARD as an investigator at \$3,500 per month, ending in February 1999, totaling \$49,000, though JOHN ROOKARD performed little or no services for ATTORNEY NUMBER Thirty-six.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT THREE

(18 U.S.C. §§ 1341, 1346, and 2 - Mail Fraud and
Aiding and Abetting)

1. The allegations contained in paragraphs 1 through 25 of the General Allegations of this Indictment and paragraphs 12-32 of Count One of this Indictment titled "Honest Service Fraud Scheme" are realleged in this Count and are incorporated by reference as if fully set forth herein.

2. On or about March 19, 1999, in the Southern District of Texas and elsewhere, Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 in Count One titled "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

envelopes, from UTU Headquarters in Cleveland, Ohio, containing letters from Charlie Little, International President of the UTU, dated March 19, 1999, and addressed to Chairpersons of the General Committees of Adjustment of Railroads in the United States, UTU, which provided a list of all designated legal counsel of the UTU and the rules of conduct Charlie Little had prescribed and the DLC Attorneys had agreed to observe.

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

COUNT FOUR

(18 U.S.C. §§ 1341, 1346, and 2 - Mail Fraud and
Aiding and Abetting)

1. The allegations contained in paragraphs 1 through 25 of the General Allegations of this Indictment and paragraphs 12-32 of Count One of this Indictment titled "Honest Service Fraud Scheme" are realleged in this Count and are incorporated by reference as if fully set forth herein.

2. On or about August 7, 2001, in the Southern District of Texas and elsewhere, BYRON BOYD, and JOHN ROOKARD, Defendants herein, and other persons both known and unknown to the Grand Jury, having devised and intending to devise the aforementioned scheme and artifice to defraud described in paragraphs 12-32 in Count One titled "Honest Service Fraud Scheme", and for the purpose of executing said scheme and artifice and attempting to do so, did knowingly place or cause to be placed the following matter and thing in a post office and authorized depository for mail to be sent and delivered by the Postal Service according to the direction thereon:

envelopes, from UTU Headquarters in Cleveland, Ohio, containing letters from Byron Boyd, International President of the UTU, dated August 7, 2001, and addressed to All Designated Legal Counsel of the UTU, which provided the rules of conduct Boyd had prescribed and the DLC Attorneys had agreed to observe.

All in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

COUNTS FIVE through ELEVEN

1. The allegations contained in paragraphs 1 through 25 of the General Allegations of this Indictment are realleged in this Count and are incorporated by reference as if fully set forth herein.

2. On or about the dates listed below, in the Southern District of Texas and elsewhere, Defendants CHARLIE LITTLE and BYRON BOYD, while officers of the UTU and while employed directly and indirectly by the UTU, did embezzle, steal and unlawfully and willfully abstract and convert to his own use the moneys, funds, securities, property, and other assets of said labor organization in the approximate amounts, category of expenditures, and dates listed below, said sums constituting payments of travel reimbursements from the UTU to the individual listed below:

<u>Count</u>	<u>Approximate Amount</u>	<u>Category of Expenditure</u>	<u>Dates of Travel</u>
Five	\$778.59	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Oct. 4-5, 1999
Six	\$663.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Feb. 15, 2000
Seven	\$447.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Apr. 7, 2000
Eight	\$294.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Nov. 8, 2000
Nine	\$306.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Nov. 10, 2000

Ten	\$564.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Dec. 5-6, 2000
Eleven	\$606.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Dec. 18, 2000

All in violation of Title 29, United States Code, Section 501(c) and Title 18, United States Code, Section 2.

COUNTS TWELVE through FOURTEEN

1. The allegations contained in paragraphs 1 through 25 of the General Allegations of this Indictment are realleged in this Count and are incorporated by reference as if fully set forth herein.

2. On or about the dates listed below, in the Southern District of Texas and elsewhere, Defendant BYRON BOYD, while an officer of the UTU and while employed directly and indirectly by the UTU, did embezzle, steal and unlawfully and willfully abstract and convert to his own use the moneys, funds, securities, property, and other assets of said labor organization in the approximate amounts, category of expenditures, and dates listed below, said sums constituting payments of travel reimbursements from the UTU to the individual listed below:

<u>Count</u>	<u>Approximate Amount</u>	<u>Category of Expenditure</u>	<u>Dates of Travel</u>
Twelve	\$1,142.50	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Aug. 14, 2001
Thirteen	\$1,165.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Nov. 13, 2001

Fourteen	\$1,878.00	Per Diem and Travel Reimbursement from UTU to Ralph Dennis	Nov. 18-19, 2001
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All in violation of Title 29, United States Code, Section 501(c) and Title 18, United States Code, Section 2.

COUNT FIFTEEN

1. The allegations contained in paragraphs 1 through 25 of the General Allegations of this Indictment are realleged in this Count and are incorporated by reference as if fully set forth herein.

2. On or about November 13, 2001, in the Southern District of Texas and elsewhere, Defendant BYRON BOYD, aided and abetted by others known and unknown to the grand jury, did knowingly attempt to intimidate, threaten, and corruptly persuade ATTORNEY NUMBER Twenty-five by instructing ATTORNEY NUMBER Twenty-five to remain quiet concerning the activities of the UTU Enterprise, including his payment of \$30,000 in cash for his designation, with the intent to cause and induce ATTORNEY NUMBER Twenty-five to withhold testimony from an official proceeding in the Southern District of Texas.

All in violation of Title 18, United States Code, Section 1512(b)(2)(A) and 2.

COUNT SIXTEEN

1. The allegations contained in paragraphs 1 through 25 of the General Allegations of this Indictment are realleged in this Count and are incorporated by reference as if fully set forth

herein.

2. On or about November 18, 2001, in the Southern District of Texas and elsewhere, Defendant BYRON BOYD, aided and abetted by others known and unknown to the grand jury, did knowingly attempt to intimidate, threaten, and corruptly persuade ATTORNEY NUMBER Ten by instructing ATTORNEY NUMBER Ten to remain quiet concerning the activities of the UTU Enterprise, including his payment of \$30,000 in cash for his designation, with the intent to cause and induce ATTORNEY NUMBER Ten to withhold testimony from an official proceeding in the Southern District of Texas.

All in violation of Title 18, United States Code, Section 1512(b)(2)(A) and 2.

FORFEITURE

(Title 18, United States Code, Section 1963)

1. The allegations contained in Count One and Two of this Indictment are hereby repeated, realleged, and incorporated by reference herein as though fully set forth at length for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 1963. Pursuant to Rule 32.2, Fed. R. Crim. P., notice is hereby given to Defendants that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 1963 in the event of any defendant's conviction under Count One of this Indictment.

2. Defendants,

CHARLIE LITTLE,
BYRON BOYD, and
JOHN ROOKARD

i. have acquired and maintained interests in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

ii. have an interest in, security of, claims against, and property and contractual rights which afford a source of influence over, the enterprise named and described herein which Defendants established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2);

iii. have property constituting and derived from proceeds obtained, directly and indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3),

3. The interests of Defendants subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1), (a)(2), and (a)(3), include but are not limited to:

a. at least \$565,000.00 in U.S. currency

b. any and all of their respective rights, titles, interests, memberships, and positions in the UTU.

4. If, by any act or omission of Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD, any property identified as directly forfeitable in paragraphs 3a and 3b above:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intention of the United States, pursuant to Title 18, United States Code, Section 1963(m) to seek forfeiture of any other property of Defendants CHARLIE LITTLE, BYRON BOYD, and JOHN ROOKARD up to the value of such forfeitable property described in paragraphs 3a and 3b above.

5. The above-named defendants, and each of them, are jointly and severally liable for the forfeiture obligations as alleged above.

All pursuant to Title 18, United States Code, Section 1963.

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

MICHAEL T. SHELBY
UNITED STATES ATTORNEY

By:


EDWARD F. GALLAGHER III

RICHARD MAGNESS

Assistant United States Attorneys